

JOE STRAUS
CONFIDENTIAL TRANSCRIPT

6/23/2014

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| <p style="text-align: right;">1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF TEXAS 3 CORPUS CHRISTI DIVISION</p> <p>4 MARC VEASEY, et al.,) Plaintiffs,)</p> <p>5 v.) Civil Action No. 2:13-cv-193(NGR)</p> <p>6 RICK PERRY, et al.,) Defendants.)</p> <p>7 _____)</p> <p>8 UNITED STATES OF AMERICA,) Plaintiff,)</p> <p>9 TEXAS LEAGUE OF YOUNG) 10 VOTERS EDUCATION FUND,) et al.,)</p> <p>11 Plaintiff-) Intervenors,)</p> <p>12 TEXAS ASSOCIATION OF) Civil Action 13 HISPANIC COUNTY JUDGES AND) No. 2:13-cv-263(NGR) COUNTY COMMISSIONERS,) 14 et al.,)</p> <p>15 Plaintiff-) Intervenors,)</p> <p>16 v.)</p> <p>17 STATE OF TEXAS, et al.,) Defendants.)</p> <p>18 _____)</p> <p>19 ORAL DEPOSITION OF 20 JOE STRAUS JUNE 23, 2014</p> <p>21 22 HIGHLY CONFIDENTIAL</p> <p>23 24 ORAL DEPOSITION OF JOE STRAUS, produced as a 25 witness at the instance of the Plaintiff United States</p> | <p style="text-align: right;">3</p> <p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFF UNITED STATES OF AMERICA:</p> <p>3 Mr. Bruce Gear 4 U.S. DEPARTMENT OF JUSTICE Civil Rights Division 5 950 Pennsylvania Avenue, NW NWB Room 7254 6 Washington, DC 20530 Phone: 202-514-4609 7 bruce.gear@usdoj.gov</p> <p>8 FOR THE VEASEY PLAINTIFFS:</p> <p>9 Mr. Chad W. Dunn 10 BRAZIL & DUNN, LLP 4201 Cypress Creek Parkway 11 Suite 530 Houston, Texas 77068 12 Phone: 281-380-6310 chad@brazilanddunn.com</p> <p>13 FOR THE PLAINTIFF-INTERVENORS TEXAS LEAGUE OF YOUNG 14 VOTERS EDUCATION FUND, ET AL.:</p> <p>15 Mr. Richard Shordt 16 WILMERHALE 1875 Pennsylvania Avenue, NW 17 Washington, DC 20006 Phone: 202-663-6693 18 richard.shordt@wilmerhale.com</p> <p>19 FOR THE DEFENDANT STATE OF TEXAS:</p> <p>20 Mr. John B. Scott 21 OFFICE OF THE ATTORNEY GENERAL Executive Administration Office 22 209 West 14th Street 8th Floor 23 Austin, Texas 78701 Phone: 512-936-0680 24 john.scott@texasattorneygeneral.gov 25</p> |
| <p style="text-align: right;">2</p> <p>1 of America, and duly sworn, was taken in the 2 above-styled and -numbered cause on JUNE 23, 2014, from 3 9:02 a.m. to 12:30 p.m., before KELLY E. FISHER, CSR, in 4 and for the State of Texas, reported by machine 5 shorthand, at the Office of the Attorney General, 209 6 West 14th Street, Austin, Texas 78701 pursuant to the 7 Federal Rules of Civil Procedure and the provisions 8 stated on the record herein.</p> <p>9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> | <p style="text-align: right;">4</p> <p>1 APPEARANCES (CONTINUED)</p> <p>2 FOR THE SPEAKER:</p> <p>3 Mr. Frank Battle 4 OFFICE OF THE House OF REPRESENTATIVES General Counsel 5 P.O. Box 2910 Austin, Texas 78768-2910 6 Phone: 512-463-1000 frank.battle@speaker.state.tx.us</p> <p>7 Mr. Arthur C. D'Andrea 8 Mr. Jay Dyer 9 Ms. Brook Popp OFFICE OF THE ATTORNEY GENERAL Office of the Solicitor General 10 P.O. Box 12548 Austin, Texas 78711-2548 11 Phone: 512-936-2868 arthur.dandrea@oag.state.tx.us</p> <p>12 ALSO PRESENT:</p> <p>13 Ms. Zoe Jones 14 WILMERHALE 15 1875 Pennsylvania Avenue, NW Washington, DC 20006 16 Phone: 202-663-6693 17 18 19 20 21 22 23 24 25</p> |

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| <p style="text-align: right;">5</p> <p style="text-align: center;">I N D E X</p> <p style="text-align: center;">PAGE</p> <p>APPEARANCES..... 2</p> <p>WITNESS: JOE STRAUS</p> <p>EXAMINATION</p> <p>By Mr. Dunn..... 7</p> <p>By Mr. Gear..... 74</p> <p>By Mr. Shordt..... 114</p> <p>By Mr. Scott..... 141</p> <p>FURTHER EXAMINATION</p> <p>By Mr. Shordt..... 142</p> <p>By Mr. Gear..... 143</p> <p>CHANGES AND SIGNATURE..... 145</p> <p>REPORTER'S CERTIFICATION..... 147</p> | <p style="text-align: right;">7</p> <p>JOE STRAUS,</p> <p>having been first duly sworn, testified as follows:</p> <p>EXAMINATION</p> <p>BY MR. DUNN:</p> <p>Q. Please tell us your name.</p> <p>A. Joe Straus.</p> <p>Q. Speaker Straus, my name is Chad Dunn. I represent a group of plaintiffs -- individual plaintiffs who have filed a lawsuit against the state under federal law concerning the Senate Bill 14 passed in 2011 concerning the photo identification required to vote. Do you understand that?</p> <p>A. Yes.</p> <p>Q. I'm going to ask you a series of questions today, try to keep it as brief as possible. I don't expect it to be any less friendly than -- than we've been so far this morning. And then these other attorneys may avail themselves of the opportunity to ask you some questions. Do you understand that?</p> <p>A. I do.</p> <p>Q. Have you given a deposition before ever?</p> <p>A. I have in something similar to this, yes.</p> <p>Q. Sure. You gave one in this case. Is that right?</p> <p>A. Right.</p> |
| <p style="text-align: right;">6</p> <p style="text-align: center;">E X H I B I T S</p> <p style="text-align: center;">NO. DESCRIPTION PAGE</p> <p>1 San Antonio Express-News article June 7, 2009..... 78</p> <p>2 Redacted letter from Joe Straus regarding SB 14..... 89</p> <p>3 12-page document from Speaker Straus' legislative files..... 92</p> <p>4 Fraser Files Voter Fraud Measures..... 95</p> <p>5 7-page document from Speaker Straus' legislative files 101</p> <p>6 Voter ID Bill Summary SB14 (82R engrossed)..... 108</p> <p>7 One page handwritten notes TX_00012065..... 117</p> <p>8 Talking Points Against Student ID Amendment..... 120</p> <p>9 House Journal excerpt..... 126</p> | <p style="text-align: right;">8</p> <p>Q. Did you also give testimony in the redistricting cases?</p> <p>A. Yes.</p> <p>Q. And how many times in those cases?</p> <p>A. Once.</p> <p>Q. So you understand the basic process. I won't spend a lot of your time on the rules. But I may occasionally ask you, if you shake your head or make a noise, is that a yes or a no.</p> <p>A. Okay.</p> <p>Q. I'm doing that to make sure our court reporter gets an audible answer down. Do you understand?</p> <p>A. Yes.</p> <p>Q. Obviously if you don't understand my question, it's incumbent on you to tell us. There's no way for us to know whether you understand the question. Fair enough?</p> <p>A. Yes.</p> <p>Q. You're represented by counsel here today. Is that true?</p> <p>A. That's true.</p> <p>Q. And who is that?</p> <p>A. Frank Battle.</p> <p>Q. All right. Do you have any other attorneys with you?</p> |

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| <p style="text-align: right;">9</p> <p>1 A. The Attorney General's Office is representing 2 me as well. 3 Q. All right. So I'm going to go through a little 4 bit of your background. Some of these questions may 5 seem silly since, you know, most of this stuff I know, 6 but maybe our judge or somebody else in the record 7 won't. 8 A. Okay. 9 Q. Tell us where you were born and when, please. 10 A. San Antonio, Texas, in 1959, September 1st, 11 1959. 12 Q. Is that where you live today? 13 A. Yes. 14 Q. What is your position today? 15 A. Speaker of the Texas House. 16 Q. And that means you're an elected state 17 representative as well. Is that true? 18 A. That's correct. 19 Q. In what district? 20 A. District 121. 21 Q. When were you first elected there? 22 A. 2005. 23 Q. From what party are you a nominee? 24 A. Republican. 25 Q. Have you been elected to that state House</p> | <p style="text-align: right;">11</p> <p>1 A. I'm sure I can if you give me a minute. Rose 2 Spector, a gentleman named Sil- -- Paul Silber and a 3 fellow named -- his last name was Starnes. 4 Q. Those were all persons seeking the Republican 5 nomination? 6 A. No. It was an open-seat -- an open-seat 7 special election. 8 Q. Oh, that's right. 9 A. Rose Spector was a Democrat. 10 Q. I see. 11 A. Former Supreme Court justice. 12 Q. Who was your predecessor in office? 13 A. Elizabeth Ames Jones. 14 Q. All right. And when were you elected speaker? 15 A. In January of 2009. 16 Q. All right. Obviously I want to come back to 17 your legislative activities, but just a little bit more 18 on your background. I assume you went to high school in 19 San Antonio? 20 A. I did. 21 Q. Where did you graduate there? 22 A. Alamo Heights High School. 23 Q. And you attended college? 24 A. I did. 25 Q. Where was that?</p> |
| <p style="text-align: right;">10</p> <p>1 district since 2005? 2 A. Yes. 3 Q. Have you had any major competitive races? 4 Let's start with the first race. Was there -- was it a 5 heavily contested race? 6 A. Yes. 7 Q. On both the general and primary election or 8 just the -- 9 A. It was a special election. There were several 10 candidates. 11 Q. Was it a partisan special election? 12 A. There were Republicans and Democrats and an 13 independent. 14 Q. And so was it the case where Republican -- 15 there was a Republican primary and a Democratic primary, 16 or -- 17 A. It was an open -- open -- it was an open-seat 18 special election. 19 Q. And I probably should have said this at the 20 beginning, but we got to be careful to not talk over one 21 another, because our court reporter can only take down 22 one of us. So she'll be yelling at us by the end of the 23 day if we don't accommodate that. 24 Can you recall the names of your opponents 25 in that first open race?</p> | <p style="text-align: right;">12</p> <p>1 A. I graduated from Vanderbilt. 2 Q. What was your degree there? 3 A. Political science. 4 Q. Any education past the Vanderbilt degree? 5 A. Not formal, no. 6 Q. Okay. And besides the work that you do now, 7 what have you done for a vocation? 8 A. I've done a number of things. I worked -- I 9 had some minor political-related jobs, or appointed 10 jobs, in the Reagan Administration back in the early to 11 mid-'80s. 12 I worked in private business, real estate, 13 for a short time. I mean, a number of things. 14 Q. Do you have -- 15 A. I'm old. 16 Q. Okay. Outside your career in the legislature 17 and as Speaker of the House, which I'm sure taxes your 18 time, what is it that you would describe you do -- 19 A. The last -- the last 15 or so years, probably, 20 maybe more. I've been in the insurance and executive 21 benefits and investments business. 22 Q. And you run that business out of San Antonio? 23 A. Yes. 24 Q. Is that a business that you own? 25 A. I'm a sole proprietor, yes.</p> |

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| <p style="text-align: right;">13</p> <p>1 Q. And what's the name of that entity?</p> <p>2 A. Bennett & Straus LLC. I'm a sole proprietor,</p> <p>3 but we have an LLC with a partner.</p> <p>4 Q. Do you have any employees?</p> <p>5 A. Yeah.</p> <p>6 Q. How many?</p> <p>7 A. One in the business office.</p> <p>8 Q. All right. You're married?</p> <p>9 A. Yes.</p> <p>10 Q. And have children?</p> <p>11 A. I do.</p> <p>12 Q. How many children?</p> <p>13 A. Two.</p> <p>14 Q. All right. So that's enough on the background.</p> <p>15 We'll get to the legislative activities. When you</p> <p>16 joined the legislature in 2005, did you run on any</p> <p>17 particular issues?</p> <p>18 A. Specific issues, like not -- sort of a</p> <p>19 general -- a general Republican, you know, generic -- I</p> <p>20 can't really recall other than just the generic fiscal</p> <p>21 restraint, low tax.</p> <p>22 Q. All right. Fair enough. And I'm not trying to</p> <p>23 get you any place you don't want to go --</p> <p>24 A. There wasn't -- I don't recall a particular</p> <p>25 single issue or anything that was stressed.</p> | <p style="text-align: right;">15</p> <p>1 judiciary and civil -- or what was it called then?</p> <p>2 Civil juris prudence -- judiciary and civil juris</p> <p>3 prudence, I think.</p> <p>4 And then later I served on pensions and</p> <p>5 investments and a committee we no longer have called</p> <p>6 regulated industries. Maybe I've got the order mixed</p> <p>7 up, but I remember those comments.</p> <p>8 Q. Was there a particular area of policy that you</p> <p>9 developed an expertise in or spent a great deal of time</p> <p>10 on?</p> <p>11 A. Some from the regulated industries committee</p> <p>12 having to do with -- with energy efficiency and some --</p> <p>13 eliminating obsolete tax.</p> <p>14 Q. So it sounds like --</p> <p>15 A. Telecommunications.</p> <p>16 Q. And I'm not trying to undermine your experience</p> <p>17 at all, but it doesn't sound like election-related</p> <p>18 issues with something that you really spent a lot of</p> <p>19 time on.</p> <p>20 A. No.</p> <p>21 Q. Is that true?</p> <p>22 A. That's right.</p> <p>23 Q. Okay. Now, you ran in the special course in</p> <p>24 2005 and then in each even-numbered-year election since,</p> <p>25 I'd assume?</p> |
| <p style="text-align: right;">14</p> <p>1 Q. Some folks, you know, run -- they want to</p> <p>2 improve schools or border security or --</p> <p>3 A. Yeah.</p> <p>4 Q. -- or issues like that. You don't recall</p> <p>5 something central to your campaign?</p> <p>6 A. No.</p> <p>7 Q. Okay. Obviously we're here to talk about</p> <p>8 Senate Bill 14 and identification requirements for</p> <p>9 voting in general. And first I'd like to ask you, have</p> <p>10 you carried any such bills in your career?</p> <p>11 A. Which ones? Restate the question.</p> <p>12 Q. Bills that relate to requiring identification</p> <p>13 to vote.</p> <p>14 A. No.</p> <p>15 Q. Have you served on any of the committees that</p> <p>16 might be assigned election-related measures?</p> <p>17 A. No.</p> <p>18 Q. Prior to becoming speaker, give us a general</p> <p>19 sense of what type of committee assignments you had,</p> <p>20 please.</p> <p>21 A. Oh, I served -- I served -- when I was elected</p> <p>22 in a special election, there were two committees</p> <p>23 available that were open, so I was assigned to those.</p> <p>24 I'm trying to remember what they were. Economic</p> <p>25 development, I believe, and whatever they called</p> | <p style="text-align: right;">16</p> <p>1 A. Yes.</p> <p>2 Q. In any of your campaigns have you encountered</p> <p>3 experience of voter fraud?</p> <p>4 A. Not that I'm aware of, no.</p> <p>5 Q. Other than the open campaign that you had in</p> <p>6 2005, have you had other reelections that you would</p> <p>7 consider were tightly contested?</p> <p>8 A. Tightly?</p> <p>9 Q. Yes, sir.</p> <p>10 A. Strenuously.</p> <p>11 Q. Okay. What years were those?</p> <p>12 A. The last two primaries.</p> <p>13 Q. That's in 2012 and '14?</p> <p>14 A. That's correct.</p> <p>15 Q. Do you have a regular set of campaign</p> <p>16 consultants, campaign managers or somebody that advises</p> <p>17 you in that regard?</p> <p>18 A. I've had different campaign managers each</p> <p>19 cycle.</p> <p>20 Q. Okay. So it's not the case that you have sort</p> <p>21 of a standard team that you've relied upon?</p> <p>22 A. For campaign -- you know, not on the ground in</p> <p>23 the district campaign, no.</p> <p>24 Q. So returning to your legislative work, have you</p> <p>25 publicly called for a tightening of any requirements as</p> |

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| <p style="text-align: right;">17</p> <p>1 it comes to elections?</p> <p>2 A. I don't recall.</p> <p>3 Q. Okay. And I understand, you know, everybody</p> <p>4 gives a lot of --</p> <p>5 A. Yeah, not in a great -- not in a great deal of</p> <p>6 specificity, no.</p> <p>7 Q. That wasn't sort of a pet issue of yours is</p> <p>8 really what I'm getting at.</p> <p>9 A. That's correct.</p> <p>10 Q. Okay. When is it that you first, if you ever</p> <p>11 did, really get into a proposal in the legislature as it</p> <p>12 pertains to photo identification for voting?</p> <p>13 A. Did I get into it?</p> <p>14 Q. Yeah, study the issue, read a bill, look at it.</p> <p>15 MR. D'ANDREA: The witness is going to</p> <p>16 assert legislative privilege, but we -- I'm going to</p> <p>17 allow him to answer under seal with the understanding</p> <p>18 that we'll preserve the privilege.</p> <p>19 MR. SCOTT: And Chad --</p> <p>20 Mr. Speaker, before you answer --</p> <p>21 Chad, this brings up an issue that came up</p> <p>22 in the last deposition, how we handled the housekeeping</p> <p>23 of the actual deposition.</p> <p>24 What we agreed to in the last deposition</p> <p>25 was to go ahead and put -- keep -- treat the whole</p> | <p style="text-align: right;">19</p> <p>1 Q. (BY MR. DUNN) All right. So according to my</p> <p>2 investigation, there have been identification</p> <p>3 requirements for voting, you know, for some time,</p> <p>4 decades, of course, you might imagine. And I don't want</p> <p>5 to try to sit here and quiz you and waste your time</p> <p>6 today, but do you have some general description of what</p> <p>7 the identification requirements were before Senate Bill</p> <p>8 14?</p> <p>9 A. I don't recall specifically what they were.</p> <p>10 Q. And that's fair. When you don't know</p> <p>11 something, then, you know, obviously, just let us know</p> <p>12 that.</p> <p>13 Do you understand what IDs are permitted</p> <p>14 under Senate Bill 14?</p> <p>15 A. Oh, gosh. I don't recall anymore. It's been a</p> <p>16 while since I've paid any attention to it. I know that</p> <p>17 I take my driver's license with me and my voter</p> <p>18 registration card.</p> <p>19 Q. Okay. I think this is fairly clear for the</p> <p>20 record, but I just want to put a fine point on it.</p> <p>21 Prior to your election of speaker, did you carry any</p> <p>22 bills that adjusted the photo -- or the identification</p> <p>23 requirements for voting?</p> <p>24 A. No, I did not.</p> <p>25 Q. Can you recall if you sponsored or cosponsored</p> |
| <p style="text-align: right;">18</p> <p>1 deposition as though it's under seal, even though there</p> <p>2 are specific parts therein that aren't. To the extent</p> <p>3 you're using -- making use of anything that's not been</p> <p>4 specifically identified during the deposition as being</p> <p>5 under seal -- we don't need anybody's permission at all,</p> <p>6 obviously, but it helps everybody make sure that we --</p> <p>7 everybody knows that this deposition is to be kept under</p> <p>8 seal, or at least parts. Are you okay with that?</p> <p>9 MR. DUNN: I think I'm okay with that with</p> <p>10 the clarification. So if it's necessary to include a</p> <p>11 portion of the deposition in a filing with the court</p> <p>12 that has not been identified today by one of the</p> <p>13 attorneys present as legislative privilege, no leave is</p> <p>14 necessary. Is that right?</p> <p>15 MR. SCOTT: Absolutely correct.</p> <p>16 MR. D'ANDREA: Yes.</p> <p>17 MR. DUNN: But if it involves an excerpt of</p> <p>18 the deposition where it has been noted by Mr. D'Andrea</p> <p>19 or somebody else that legislative privilege is at issue,</p> <p>20 then we would need to confer with the witness' lawyer.</p> <p>21 Is that true?</p> <p>22 MR. SCOTT: That's correct.</p> <p>23 Everybody agree with that?</p> <p>24 MR. DUNN: I'm fine with that.</p> <p>25 MR. SHORDT: Yes, that's fine.</p> | <p style="text-align: right;">20</p> <p>1 any?</p> <p>2 A. I don't recall. I know that various bills came</p> <p>3 up in sessions before I served as speaker, and I'm sure</p> <p>4 I voted on them, but I don't remember whether I signed</p> <p>5 onto them or not. I could have.</p> <p>6 Q. None of them particularly come to mind?</p> <p>7 A. No.</p> <p>8 Q. So in 2011, the legislature passed Senate Bill</p> <p>9 14, which I'm sure you gathered from the title, started</p> <p>10 over in the Senate. First I want to understand if you</p> <p>11 recall what committee that was assigned to in the House.</p> <p>12 A. I believe we had a select committee for</p> <p>13 voter -- voting -- voter identification and voter</p> <p>14 security related bills.</p> <p>15 Q. And what is your authority as speaker of the</p> <p>16 House as it pertains to committees?</p> <p>17 A. Well, I -- the speaker makes appointments to</p> <p>18 committees and appoints chairmen. Some of the</p> <p>19 committee -- some of the committee slots are filled,</p> <p>20 roughly half of them, I think, by seniority. And then</p> <p>21 others are at the discretion of the speaker.</p> <p>22 Q. What about the existence of the committee at</p> <p>23 all, I mean, whether it's necessary --</p> <p>24 A. The House makes that decision, but the speaker</p> <p>25 has recommendations he makes.</p> |

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| <p style="text-align: right;">21</p> <p>1 Q. So if the House wants to create a new committee 2 on whatever subject, how does it go about doing that 3 procedurally?</p> <p>4 A. I guess that's in the rules. The committees of 5 the House are passed in the House rules on the first day 6 of the session or first few days of the session.</p> <p>7 Q. And so when each legislature begins, the House 8 adopts a set of rules to govern its proceedings. Is 9 that right?</p> <p>10 A. That's correct.</p> <p>11 Q. And I assume that, at least initially, the 12 rules from the previous legislature are used as the 13 starting point. Is that right?</p> <p>14 A. Yes.</p> <p>15 Q. How is it that proposals are made to change 16 those rules?</p> <p>17 A. The members -- the members propose changes.</p> <p>18 Q. And when they -- do they do that prior to the 19 session beginning, or do they do that formally on the 20 floor in the form of amendments or both?</p> <p>21 A. They do it during the rules housekeeping work 22 in the early days of the session. If they want to make 23 changes, they propose them, and we pass a set of rules, 24 sometimes -- usually with a few changes.</p> <p>25 Q. Is this rules committee process something that</p> | <p style="text-align: right;">23</p> <p>1 Q. Were there any other issues sent to this 2 committee other than bills relating to voter 3 identification?</p> <p>4 A. I imagine there were -- every session there are 5 quite a few bills, I think, that are -- that are 6 proposed that have generally something to do with voter 7 fraud, voter security, voter identification. So I think 8 there were -- I'm sure there were some number. I don't 9 remember the number of bills that were referred -- we 10 could look it up -- to that committee.</p> <p>11 Q. And again, I'm not trying to quiz you on every 12 bill sent there. I'm just trying to get a sense for 13 your point of view as speaker of the House. Was the 14 committee to focus on voter identification requirements, 15 or was it more expansive to deal with other voter- 16 related issues?</p> <p>17 A. I don't remember the name of the committee, but 18 I think the name and the jurisdiction of the committee 19 would pretty well describe the type of bills that would 20 go there. As I recall, it was voter -- voter-fraud or 21 voter-security related.</p> <p>22 Q. Do you recall any person lobbying you or 23 attempting to persuade you to create this committee or 24 install certain members?</p> <p>25 MR. D'ANDREA: Legislative privilege.</p> |
| <p style="text-align: right;">22</p> <p>1 begins before the legislature convenes?</p> <p>2 A. There are members who get together and discuss 3 proposed rules changes and talk about how rules are 4 working, yes.</p> <p>5 Q. And then once the session is underway, a draft 6 set of rules, I assume, comes out for members to review?</p> <p>7 A. I assume so. I don't recall.</p> <p>8 Q. So do you recall where it is the idea 9 originated to -- in 2011 to have a select committee as 10 it pertains to voter identification requirements?</p> <p>11 MR. D'ANDREA: I'm going to assert 12 privilege and allow the witness to answer under seal.</p> <p>13 A. I don't remember how it came up. I knew -- 14 everyone knew that voter security and voter 15 identification legislation was likely to be a very hot 16 topic for the legislature to consider just in -- just 17 based on discussion leading up to the session. I don't 18 recall specifically how the decision was made to create 19 a committee for voter security and voter ID bills.</p> <p>20 Q. (BY MR. DUNN) Was this an idea of yours to 21 create this committee?</p> <p>22 A. I don't -- I don't recall.</p> <p>23 Q. Was it -- was the idea to appoint this 24 committee something that was coming from members?</p> <p>25 A. Again, I really don't remember.</p> | <p style="text-align: right;">24</p> <p>1 You may answer under seal.</p> <p>2 A. No, I don't.</p> <p>3 Q. (BY MR. DUNN) If this committee had not been 4 created in 2011, then what committees in the House would 5 normally have seen legislation relating to voter 6 identification?</p> <p>7 A. I assume the -- the elections committee 8 could -- some could, I suppose, go to state affairs 9 committee. I'm not sure of others.</p> <p>10 Q. And so just before I move on, to make sure I've 11 got all this, is there anything else that you remember 12 about the creation of the special committee in 2011 that 13 handled Senate Bill 14 that we haven't talked about?</p> <p>14 A. No.</p> <p>15 Q. Was the special committee in 2011 that handled 16 Senate Bill 14 created because similar pieces of 17 legislation and past legislative cycles had been held up 18 in either the elections or state affairs committee?</p> <p>19 MR. D'ANDREA: Legislative privilege. 20 You may answer under seal.</p> <p>21 A. I don't recall that -- I don't recall the 22 process of -- or the timelines of certain bills in the 23 past, so I can't say that that's the reason.</p> <p>24 Q. (BY MR. DUNN) So as you sit here today, is it 25 then the case that you can't tell us why there was a</p> |

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| <p style="text-align: right;">25</p> <p>1 special committee in 2011 for identification --</p> <p>2 A. Other than from time to time we -- we create</p> <p>3 select committees, these types of special committees,</p> <p>4 just to -- just to move a particular issue off to the</p> <p>5 side so that the normal operating committee -- like the</p> <p>6 elections committee in this case, probably -- would --</p> <p>7 would go about dealing with the other type of issues</p> <p>8 that they -- other bills that they have without being</p> <p>9 distracted by something that everyone knew would be a</p> <p>10 high-profile, much-debated issue.</p> <p>11 Q. Do you recall whether senior members of the</p> <p>12 elections committee had, prior to 2011, either opposed</p> <p>13 or otherwise wanted to loosen some of the requirements</p> <p>14 and proposed photo identification bills?</p> <p>15 A. I can't remember who -- who served on the</p> <p>16 previous committees.</p> <p>17 Q. Now, again, I'm sure something that is</p> <p>18 elementary to you, but could you just kind of walk us</p> <p>19 through, walk the court through, when a bill comes from</p> <p>20 the Senate over to the House, how it's processed by the</p> <p>21 House?</p> <p>22 Again, sort of tracking when there's a</p> <p>23 special-committee-type situation. So what happens as</p> <p>24 far as when the bill comes over from the Senate? Comes</p> <p>25 to you, I assume.</p> | <p style="text-align: right;">27</p> <p>1 A. Yes.</p> <p>2 Q. So I'll return to my earlier question. Does</p> <p>3 the parliamentarian respond somewhat more favorably to</p> <p>4 recommendations from the speaker for appointment -- or</p> <p>5 referral of bills to committee than other members?</p> <p>6 A. Pardon me?</p> <p>7 Q. Does the parliamentarian -- is -- are they more</p> <p>8 responsive to the speaker when the speaker makes a</p> <p>9 request to referral a bill to --</p> <p>10 A. You'd have to ask him. I don't know.</p> <p>11 Q. That's not something you've experienced?</p> <p>12 A. I wouldn't know how responsive he is to anyone.</p> <p>13 I mean, I think he has a good working relationship with</p> <p>14 all the members.</p> <p>15 Q. So returning --</p> <p>16 A. You know, I don't think he's compliant to</p> <p>17 anyone.</p> <p>18 Q. So returning to the bill process, the Senate</p> <p>19 bill comes to the House, the parliamentarian assigns a</p> <p>20 committee. In the case where there's a special</p> <p>21 committee with, for example, voter identification in the</p> <p>22 title, I would assume it's not too difficult for the</p> <p>23 parliamentarian to figure out where a photo</p> <p>24 identification requirement ought to go. Is that about</p> <p>25 right?</p> |
| <p style="text-align: right;">26</p> <p>1 A. Well, it comes to the House. And it's -- it's</p> <p>2 referred. It goes through the referral process that all</p> <p>3 bills go through.</p> <p>4 Q. And what is the referral process?</p> <p>5 A. It would be referred to a committee.</p> <p>6 Q. And who makes that decision?</p> <p>7 A. You know, typically it's the -- the</p> <p>8 parliamentarian's office.</p> <p>9 Q. Do you have input or influence in that process?</p> <p>10 A. From time to time, I might be consulted about</p> <p>11 certain referrals, but I try not to be too engaged in</p> <p>12 that.</p> <p>13 Q. Are there times when you've gone to the</p> <p>14 parliamentarian and said, "I want this bill to go to</p> <p>15 that committee"?</p> <p>16 A. I think all members talk to the parliamentarian</p> <p>17 about that.</p> <p>18 Q. Okay. I would think that the parliamentarian</p> <p>19 might be a little more responsive to the speaker than</p> <p>20 other members. Is that the case?</p> <p>21 A. You don't know our parliamentarian.</p> <p>22 Q. Okay. Well, in 2011, who was the</p> <p>23 parliamentarian?</p> <p>24 A. Chris Griesel in '11.</p> <p>25 Q. Is that the parliamentarian today?</p> | <p style="text-align: right;">28</p> <p>1 A. I would think that's correct.</p> <p>2 Q. All right. Once in committee, what happens?</p> <p>3 A. Then the committee chairman decides -- decides</p> <p>4 whether or not to take up the matter.</p> <p>5 Q. Can you recall who the committee chairman was</p> <p>6 on Senate Bill 14 in 2011?</p> <p>7 A. I believe it was Representative Bonnen.</p> <p>8 Q. Did you have any discussions with</p> <p>9 Representative Bonnen about the progress or dealings</p> <p>10 with Senate Bill 14?</p> <p>11 A. Oh --</p> <p>12 MR. D'ANDREA: Legislative privilege.</p> <p>13 You may answer under seal.</p> <p>14 A. I imagine I did. I talk to all the committee</p> <p>15 chairmen. But I don't recall specifically. I'm sure I</p> <p>16 did.</p> <p>17 Q. (BY MR. DUNN) There's no discussion that you</p> <p>18 recall with Representative Bonnen as it relates to</p> <p>19 Senate Bill 14 in 2011. Is that right?</p> <p>20 A. The question again?</p> <p>21 Q. I just want to confirm that there's no</p> <p>22 discussion that you ever had in 2011 with Representative</p> <p>23 Bonnen pertaining to Senate Bill 14 that you can relate</p> <p>24 to us.</p> <p>25 A. Not in any kind of detail. I'm sure I did talk</p> |

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| <p style="text-align: right;">29</p> <p>1 to him. But I don't recall a specific conversation with 2 him on the bill, but I'm sure we did talk. 3 Q. And -- and I can tell you're confused by some 4 of these questions, so let me see if I can -- a lot of 5 times -- all I'm really trying to do is find out what 6 you might testify to in trial in this case. This is our 7 only chance to visit with you before the case is tried. 8 So -- 9 A. Yeah. 10 Q. -- if you're going to show up and say, "I met 11 with Representative Bonnen on this day and we talked 12 about the bill," that's all I want to find out. 13 A. No, I can't -- I can't recall a specific 14 conversation. 15 Q. Did you propose to Representative Bonnen, or 16 anyone else, a timeline on which the committee ought to 17 deal with the bill or report it out of committee, if at 18 all? 19 MR. D'ANDREA: Legislative privilege. 20 You may answer under seal. 21 A. Not to my recollection. 22 Q. (BY MR. DUNN) Is it fair to describe your 23 involvement with Senate Bill 14 as hands off? 24 A. Generally. I mean, I think that would be 25 fairly close to accurate.</p> | <p style="text-align: right;">31</p> <p>1 Q. What is the role of the calendars committee? 2 A. It's the committee that -- that prepares the 3 calendar for consideration of legislation on the floor. 4 Q. Does it also, on occasion, serve as a 5 gatekeeper? 6 A. A gatekeeper? 7 Q. Well, let me put it this way. If a majority of 8 the calendars committee doesn't support a measure, is it 9 likely to get some time on the floor for debate and 10 vote? 11 A. I don't know -- I don't know how the calendars 12 committee operates internally. I don't know their 13 process for moving bills to the floor. 14 Q. So you don't know whether it's the case that 15 the calendars committee holds up bills that they're not 16 in support of, at least in majority? 17 A. I believe they can, sure. 18 Q. I mean, that happens all the time, does it not? 19 A. It happens regularly. 20 Q. Is there also an individual member authority to 21 hold a bill for some period of time? 22 A. Again, I don't -- I never served on the 23 calendars committee myself. I don't know. I hear that 24 certain -- I think there's a certain understanding in 25 the committee that members have the ability to -- to --</p> |
| <p style="text-align: right;">30</p> <p>1 Q. Did you direct the committee in terms of the 2 type of opportunities they would provide for public 3 input? 4 A. Did I -- did I do what? 5 Q. Direct the special committee in terms of how 6 many opportunities for public input. 7 A. No, I didn't. 8 Q. Was it fair to say that that was left to 9 Representative Bonnen? 10 A. Yes. 11 Q. Well, obviously the legislative record shows 12 that Senate Bill 14 was reported favorably by the 13 committee. Again, what happens to the bill after that? 14 A. I suppose it went to the calendars committee. 15 Q. And do you recall who the chair of the 16 calendars committee was in 2011? 17 A. I'm trying to remember. Don't tell him I can't 18 remember. I think it was -- I think it was -- I think 19 it was Todd Hunter. 20 Q. That's a pretty plum position, is it not? 21 A. Yeah. I'm just trying to get the sessions 22 straight. 23 Q. No, I understand. 24 A. I know it was Brian McCall in 2009. In '11 -- 25 I think Hunter's been chairman two sessions.</p> | <p style="text-align: right;">32</p> <p>1 to slow a bill down if they'd like, but I'm not sure how 2 it works specifically or -- I'm not -- I don't know. 3 Q. Have you ever contacted, whether it's the chair 4 or a member of the calendars committee, and asked them 5 to hold up a bill? 6 MR. D'ANDREA: Legislative privilege. 7 You may answer under seal. 8 A. If I have, it's been very rare. 9 Q. (BY MR. DUNN) And have you ever done so on an 10 election-related measure? 11 A. Not that I recall. 12 Q. Had you -- well, strike that. 13 Can you recall what part -- you know, at 14 the beginning, middle or towards the end of the 2011 15 session that Senate Bill 14 was considered by the floor? 16 A. I don't recall. 17 Q. And can you recall whether you played any role 18 as to the timing of the floor debate? 19 A. I don't. I don't believe I did. 20 Q. And when the bill passed the House, did you 21 vote on it? 22 A. I've rarely voted as speaker, and I don't -- I 23 don't recall. I don't think so. 24 Q. What are the rules or the tradition of the 25 House as it pertains to the speaker voting on a measure?</p> |

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| <p style="text-align: right;">33</p> <p>1 A. You know, I don't know before -- before my 2 tenure. But since I've been there, I very rarely have 3 voted other than on -- very rare occasions. 4 Typically -- typically I've voted with members who had 5 to make tough calls on budget issues, maybe a couple of 6 other things, but I can't remember what they are at the 7 moment. 8 Q. But you don't recall voting on Senate Bill 14? 9 A. I don't remember voting on it. I don't think I 10 did. 11 Q. Was there a conference committee on Senate Bill 12 14? 13 A. I don't remember. 14 Q. Okay. So let me just see if I can recap. 15 A. I would imagine there was, but I don't recall. 16 Q. You don't recall what the rationale was behind 17 having a special committee on voter identification. Is 18 that right? 19 A. Other than just knowing that it was going to be 20 a, you know, high-profile issue that a number of members 21 had worked on previously. It's not an unusual thing to 22 have select committees for certain types of -- of 23 issues. 24 Q. You don't recall any particular strategy to the 25 timing of the debate of Senate Bill 14 in the House?</p> | <p style="text-align: right;">35</p> <p>1 A. I don't. 2 Q. Did you attend any of the select committee -- 3 the House select committee meetings as it pertained to 4 Senate Bill 14? 5 A. I don't think so. 6 Q. Did you, in 2011, have staff that you assigned 7 to each of the committees? 8 A. Oh, yes. A staff's assigned to all the 9 committees. 10 Q. And do you -- did each staff member have 11 certain committee assignments? 12 A. Yes. 13 Q. Do you remember who was assigned the select 14 committee on photo identification, voter fraud? 15 A. I'm assuming it was Meredith Fowler, who has 16 been on my staff since I began as speaker. There may 17 have been more than her too, but I would assume that she 18 would have been watching most closely. 19 Q. Is Ms. Fowler an attorney? 20 A. Yes. 21 Q. Does she have election-related experience 22 outside of working for your staff? 23 A. I don't know. 24 Q. Did you have any communication with the 25 Secretary of State's office as it pertains to Senate</p> |
| <p style="text-align: right;">34</p> <p>1 A. I don't. 2 Q. You don't recall having any conversations with 3 members of the elections committee or calendars 4 committee as it pertains to the bill. Is that right? 5 A. Not specifically, no. I'm sure I did, but I 6 don't recall specifically. 7 Q. You don't remember making any speeches on the 8 floor as it pertains to the bill? 9 A. Me? 10 Q. Yes. 11 A. Oh, no. 12 Q. Do you recall having any communications with 13 the governor's office as it pertains to Senate Bill 14? 14 A. I do not. 15 Q. Do you recall having any communications with 16 the Lieutenant Governor or the Lieutenant Governor's 17 office as it pertains to the Senate bill? 18 MR. D'ANDREA: Legislative privilege. 19 You may answer under seal. 20 A. I don't recall specifically. I'm sure, as a 21 high-profile issue, it must have come up in our routine 22 meetings, but I don't recall a specific conversation. 23 Q. (BY MR. DUNN) Do you recall any communications 24 with the attorney general or the attorney general's 25 office?</p> | <p style="text-align: right;">36</p> <p>1 Bill 14? 2 A. I don't believe I did personally. 3 Q. Do you -- do you recall having any 4 communications with individual county election officers 5 as it pertains to Senate Bill 14? 6 A. Don't believe so. Somebody may have contacted 7 me, but I don't remember. 8 Q. You may not be able to answer this, and if you 9 can't, that's fine. But would you have supported Senate 10 Bill 14 by a vote if it had been appropriate, if you had 11 been a House member? 12 MR. D'ANDREA: Legislate privilege. 13 You may answer under seal. 14 A. I voted -- I'm sure these types of bills came 15 up before I was speaker in '05 and '07, and I voted for 16 voter -- voter-ID-related legislation. This one 17 specifically, I'm sure I would have voted for it. 18 Q. (BY MR. DUNN) And when you have supported 19 measures on voter identification requirements, what was 20 your rationale for doing so? 21 MR. D'ANDREA: Legislative privilege. 22 You may answer under seal. 23 A. Just generally the -- support the policy of 24 voter -- voter security, valid integrity and -- you 25 know, generally I don't . . . you know, I just have -- I</p> |

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| <p style="text-align: right;">37</p> <p>1 had a record of supporting voter ballot security and 2 voter ID legislation. 3 Q. (BY MR. DUNN) There were a number of bills 4 proposed both in 2011 and prior sessions on voter 5 identification requirements. And some of them could be 6 described as more stringent and some of them could be 7 described as more stringent than the current law but not 8 as stringent as other proposals. Did you have a line 9 that you drew in terms of supporting such measures? 10 A. No. 11 Q. Was it your view that there was no 12 identification requirement too stringent? 13 MR. D'ANDREA: Legislative privilege. 14 You may answer under seal. 15 A. Ask the question again. 16 Q. (BY MR. DUNN) I'm just trying to determine if 17 there was a line where you said, "Okay, now the 18 identification requirements are too tight, too difficult 19 that I can't support any longer," or was it just any 20 additional requirements? 21 A. No, as the -- as the presiding officer, I 22 really didn't draw any lines in the sand or take a 23 position on whether a bill was too strong or not strong 24 enough or any of that. I leave the details of the 25 debate and the amending of legislation up to the</p> | <p style="text-align: right;">39</p> <p>1 MR. D'ANDREA: Legislate privilege. 2 You may answer under seal. 3 A. I remember the -- one instance of the -- there 4 was this whole thing with the TSA and invasive pat downs 5 in security -- of security officials at airports that I 6 did try to persuade the House to be very careful about. 7 Q. (BY MR. DUNN) As it relates to Senate Bill 14, 8 do you remember receiving or making any analysis of its 9 compliance with federal law? 10 A. I don't. 11 Q. Do you recall at any time considering a 12 comparison of other states' ID requirements with Texas? 13 A. I believe that was done, but I don't recall 14 specifically or that I was involved in it. 15 Q. Did you request any information, whether from 16 the Secretary of State or some other source, about the 17 folks who might be impacted by Senate Bill 14? 18 A. I did not. 19 Q. Is that the sort of thing that you would have 20 expected members to do? 21 A. Yes. If that were to be -- if that were 22 appropriate to be done, I would imagine the members 23 working on a particular bill for or against would be 24 requesting that. 25 Q. You understand that one of the allegations in</p> |
| <p style="text-align: right;">38</p> <p>1 members. 2 Q. So from your standpoint in 2011, if the House 3 had chosen to pass a photo identification measure, 4 that's fine; if the House had chosen not to pass one, 5 that would have been fine with you? 6 A. House passes things that don't please me 7 100 percent routinely. And they fail to pass things 8 that I would love to see happen routinely. So, no, I'm 9 not really micromanaging bills and legislation to my 10 desires. 11 Q. What if a measure -- you know, outside of the 12 election-related requirement, what if a measure, in your 13 view, was going to violate federal law? Would you still 14 permit the House to pass it? 15 A. I would hope that we would have a long 16 discussion about what we were getting into. And we try 17 very hard not to do that. 18 Q. And you have some persuasive ability as a 19 speaker, I would assume, to change -- 20 A. I hope so. 21 Q. All right. 22 A. Probably because I don't overuse it. 23 Q. So have you had an occasion where you thought a 24 measure on any subject might cross purposes with federal 25 law?</p> | <p style="text-align: right;">40</p> <p>1 this lawsuit is that Senate Bill 14 disproportionately 2 impacts minority citizens such as African Americans and 3 Latinos. Do you understand that's generally an issue in 4 this case? 5 A. I've heard that, yes. 6 Q. All right. Do you have an opinion on whether 7 that's the case? 8 A. Not particularly, no. I think -- from what I 9 understand, there's been very little, if any, hindrances 10 as was predicted. I think, from what I understand, the 11 law's worked pretty well. 12 Q. So you've been informed that there have been 13 very few people who have been rejected from voting as a 14 result of Senate Bill 14? 15 A. I believe I've read that. 16 Q. Where would you have read that information? 17 A. Just in the daily newspapers. 18 Q. Have you had any briefing from government 19 officials on that subject? 20 A. Not that I recall. 21 Q. Is this a topic of inquiry that -- in other 22 words, that you or your staff has reached out to 23 government officials to get briefed on the effects of? 24 A. I'm sure they have, but I don't recall. 25 Q. Have you recalled seeing any figures on the</p> |

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| <p style="text-align: right;">41</p> <p>1 number of people that have been prevented from voting or 2 who were forced to cast a provisional ballot as a result 3 of Senate Bill 14? 4 A. I believe there's been news coverage of it, but 5 I don't recall specifically beyond just not being 6 alarmed at a large number of those cases. 7 Q. Outside of the news coverage, you've had no 8 official reporting of this information? 9 A. Not that I'm aware of. 10 Q. So returning back, though, to the legislative 11 process, you, as speaker, and other members, I would 12 assume, have the authority to go to state agencies and 13 ask for reports and information on considered measures. 14 Is that right? 15 A. Yes. 16 Q. Do you know whether it had ever been requested, 17 on Senate Bill 14, the number of people in the state who 18 lack one of the acceptable forms of ID under Senate Bill 19 14? 20 A. I don't know. 21 Q. And then I assume similarly you wouldn't know, 22 then, whether information had been requested from a 23 government source as to the racial makeup of people who 24 didn't possess one of the IDs acceptable under Senate 25 Bill 14?</p> | <p style="text-align: right;">43</p> <p>1 A. I don't. 2 Q. And we've had some discussion about what data 3 you've received since Senate Bill 14's implementation. 4 I just want to make sure I have it clear. 5 A. Okay. 6 Q. You've had no official briefing or debriefing 7 from any government sources to the effect of Senate Bill 8 14; the only information you have is from reading 9 newspapers. Is that right? 10 A. As I recall, yes. I mean, my staff may have, 11 from time to time, mentioned something to me, but no -- 12 not any -- no formal meetings or any kind of alarming- 13 type briefing, no. 14 Q. I'm not asking what was discussed at this 15 point, before Mr. Scott gets too excited. I just want 16 to know, have you had any briefing with the attorney 17 general's office as it pertains to this lawsuit? 18 A. Only yesterday, just letting me -- just going 19 over -- 20 MR. D'ANDREA: I'd instruct you not to 21 answer to the extent you divulge attorney/client 22 privilege, but you may talk about the existence of -- 23 A. Yeah, I visited with him about what to expect 24 this morning. 25 Q. (BY MR. DUNN) All right. And really all I'm</p> |
| <p style="text-align: right;">42</p> <p>1 A. I don't know. Again, I think that might have 2 been covered in some news stories, but I'm not aware of 3 any government reporting or agency reporting. 4 Q. Is that the type of information, though, as 5 speaker of the House, you would have hoped and expected 6 somebody to obtain and review? 7 A. Yes. 8 Q. From your standpoint as speaker, had such 9 information been obtained and had it shown a disparate 10 impact on minority citizens, would that have changed 11 your support for the bill? 12 MR. D'ANDREA: Legislative privilege. 13 You may answer under seal. 14 A. Ask the question again. 15 Q. (BY MR. DUNN) Sure. You know, from your 16 standpoint as speaker, had you received such data and 17 had such data shown Senate Bill 14 would have a 18 disparate impact on minority citizens, would that have 19 changed your support for the bill? 20 A. Before we passed it in 2011? 21 Q. Yes, sir. 22 A. I would think that the members would have had a 23 discussion about that, yes. 24 Q. You don't recall being a part of any such 25 discussion?</p> | <p style="text-align: right;">44</p> <p>1 trying to determine is if -- prior to whatever 2 discussions you've had to prepare for this deposition, 3 if you'd had any briefings from the attorney general's 4 office from the date of passage of Senate Bill 14 until 5 the present about its legality implementation, et 6 cetera. 7 A. No. 8 Q. Have you requested any such communications? 9 A. Don't believe so, no. 10 Q. The -- the State, I'm sure, is involved in an 11 amount of litigation at any given time on any given 12 subjects. We know about redistricting, for example. 13 Do you, as speaker of the House, receive 14 legal briefings about pending litigation involving the 15 State? 16 A. I would think very rarely. 17 Q. I mean, is there -- 18 A. I'm not a lawyer, and so my staff probably 19 knows I'm not, you know, into -- I wouldn't be 20 particularly interested in following every -- every 21 moment of every legal case. 22 Q. All right. 23 A. Only as certain legal cases impact the work of 24 the legislature or an upcoming session of legislature. 25 Q. Now, before a measure is considered by the</p> |

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| <p style="text-align: right;">45</p> <p>1 House, it will be reviewed and a bill analysis will be 2 prepared. Is that right?</p> <p>3 A. Yes.</p> <p>4 Q. Was it the agency that would have done that on 5 Senate Bill 14?</p> <p>6 A. Who would have done it?</p> <p>7 Q. Well, right. I mean, sometime -- I'm fairly 8 familiar with the process too. I know sometimes when 9 Senate bills come over, the House will just rely on the 10 Senate research's bill analysis; sometimes they prepare 11 their own. And you may not know in this case.</p> <p>12 A. I don't know who did the analysis.</p> <p>13 Q. All right. Did you influence at all who would 14 be involved in the preparation of the analysis?</p> <p>15 A. No.</p> <p>16 Q. Who would have made that decision?</p> <p>17 A. I don't know.</p> <p>18 Q. Did you attend a bill signing for Senate Bill 19 14?</p> <p>20 A. I don't recall. I don't think so. I might 21 have. I really don't remember.</p> <p>22 Q. Again, focusing on your past support for voter 23 identification measures, have you -- do you recognize 24 that there are some set of barriers that the government 25 can erect of voting that would be -- whether illegal,</p> | <p style="text-align: right;">47</p> <p>1 A. The question is?</p> <p>2 Q. Whether you think that those IDs ought to be 3 accepted in voting.</p> <p>4 A. I wouldn't have a problem with that.</p> <p>5 Q. Do you know why it is Senate Bill 14 doesn't 6 include those IDs?</p> <p>7 A. I don't know.</p> <p>8 Q. Do you know whether an analysis had been 9 performed as to the makeup or the availability of 10 various IDs to different racial groups?</p> <p>11 MR. D'ANDREA: Legislative privilege. 12 You may answer under seal.</p> <p>13 A. The question again?</p> <p>14 Q. (BY MR. DUNN) Do you know whether an analysis 15 was performed during the consideration of Senate Bill 14 16 as to the availability of certain ideas -- IDs by 17 various racial groups?</p> <p>18 A. I don't recall.</p> <p>19 Q. In the debates over Senate Bill 14 that you 20 witnessed --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- did you hear any comments by members of the 23 legislature that had racial undertones?</p> <p>24 MR. D'ANDREA: Legislative privilege. 25 You may answer under seal.</p> |
| <p style="text-align: right;">46</p> <p>1 ill-advised?</p> <p>2 A. Yes.</p> <p>3 Q. I mean, in other words, if you had to show up 4 at three different locations in a row to secure your 5 vote, at some point, it can be come burdensome?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And I assume as a public officer that's 8 not something you support?</p> <p>9 A. That's correct.</p> <p>10 Q. I asked you earlier what -- the various 11 identifications that were permitted under Senate Bill 12 14, and I think you said you didn't recall. And I want 13 to go through some, though, that aren't included. For 14 example, federal employee IDs are not included in Senate 15 Bill 14. Is that something that you see erects an 16 unreasonable burden?</p> <p>17 A. That a federal ID cannot be used?</p> <p>18 Q. Yes, sir.</p> <p>19 A. I haven't really thought about it. I don't 20 know why there wouldn't be.</p> <p>21 Q. How about a state government-issued ID for 22 employees?</p> <p>23 A. I don't know why they wouldn't be allowed.</p> <p>24 Q. And also student IDs issued by state of Texas 25 higher educational institutions?</p> | <p style="text-align: right;">48</p> <p>1 A. Racial -- can you give me a little more?</p> <p>2 Q. (BY MR. DUNN) Sure. For example, a member of 3 the legislature, either by direct language or by 4 allusions, led you to believe they were supporting 5 Senate Bill 14 because they wanted to keep, for example, 6 Latinos from voting.</p> <p>7 A. No, I have not heard that.</p> <p>8 Q. Have you heard, in 2011, over the course of any 9 legislative debate, someone use racially negative 10 language?</p> <p>11 MR. SCOTT: Objection; form.</p> <p>12 A. In the debate of this bill?</p> <p>13 Q. (BY MR. DUNN) We can start on Senate Bill 14, 14 on the debate of Senate Bill 14. Do you recall any 15 member using racially negative language?</p> <p>16 MR. D'ANDREA: Legislative privilege. 17 You may answer under seal.</p> <p>18 A. I don't recall, no.</p> <p>19 Q. (BY MR. DUNN) And not just in the debate, in 20 private conversation concerning Senate Bill 14.</p> <p>21 A. No.</p> <p>22 Q. How about any other measure in the 2011 23 session?</p> <p>24 MR. D'ANDREA: Legislative privilege. 25 You may answer under seal.</p> |

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| <p style="text-align: right;">49</p> <p>1 A. No, I don't recall.</p> <p>2 Q. (BY MR. DUNN) One of the issues that will</p> <p>3 obviously be decided in this case is what the</p> <p>4 legislative intent behind Senate Bill 14 was. And I</p> <p>5 understand from your testimony that you didn't vote on</p> <p>6 it. Are you able to tell us or testify what the</p> <p>7 legislative intent for Senate Bill 14 was?</p> <p>8 MR. D'ANDREA: Objection; calls for</p> <p>9 speculation.</p> <p>10 A. Just --</p> <p>11 THE WITNESS: Am I to answer?</p> <p>12 MR. D'ANDREA: Yes. Oh, I'm sorry, yes.</p> <p>13 A. I think just general voter ballot security just</p> <p>14 to be certain that those who were casting votes were</p> <p>15 doing so legitimately.</p> <p>16 Q. (BY MR. DUNN) Any other legislative purpose</p> <p>17 that you're aware of?</p> <p>18 A. Not that I'm aware of, no.</p> <p>19 Q. Now, on the ballot security issue, were you</p> <p>20 aware of incidents of voter-related activity that was</p> <p>21 illegal or could have been illegal that Senate Bill 14</p> <p>22 was designed to prevent?</p> <p>23 A. No, I'm not.</p> <p>24 Q. And so you've previously testified that ballot</p> <p>25 security was an issue that you supported. Why was it</p> | <p style="text-align: right;">51</p> <p>1 photo ID to vote just as you do to cash a check or --</p> <p>2 you know, at the airport or the bank or wherever.</p> <p>3 Q. So another way, then, to restate that is, from</p> <p>4 your standpoint there was no harm --</p> <p>5 A. Right.</p> <p>6 Q. -- in Senate Bill 14?</p> <p>7 A. Yeah.</p> <p>8 Q. And there might be some benefit, so it was</p> <p>9 worth supporting. Is that about right?</p> <p>10 A. Yeah. I mean, again, it wasn't my bill. But</p> <p>11 when these issues came up in previous legislatures</p> <p>12 before I was serving as presiding officer, I supported</p> <p>13 them.</p> <p>14 Q. Now, also around 2011, the Texas Department of</p> <p>15 Public Safety began requiring citizenship requirement --</p> <p>16 or citizenship documents to issue driver's license or</p> <p>17 identifications. Are you aware of that?</p> <p>18 A. I remember that, yes.</p> <p>19 Q. Initially that change in policy was done on --</p> <p>20 by the agency, not by the legislature. Are you aware of</p> <p>21 that?</p> <p>22 A. I vaguely recall that.</p> <p>23 Q. Were you at all involved in DPS's decision to</p> <p>24 start requiring citizenship to issue --</p> <p>25 A. No --</p> |
| <p style="text-align: right;">50</p> <p>1 that you saw additional measures were required for</p> <p>2 ballot security, despite having not seen any evidence of</p> <p>3 such voter fraud that would be prevented by that</p> <p>4 measure?</p> <p>5 MR. D'ANDREA: Objection; assumes facts not</p> <p>6 in evidence.</p> <p>7 THE WITNESS: What did you say?</p> <p>8 MR. D'ANDREA: You may answer if you can.</p> <p>9 THE WITNESS: All right.</p> <p>10 A. Again, I just had a -- I have a record of</p> <p>11 voting for measures that -- that called for</p> <p>12 identification at the polling place, but it wasn't --</p> <p>13 wasn't in relation to any specific incident that I was</p> <p>14 aware of.</p> <p>15 Q. (BY MR. DUNN) Well, you know, I'm sure you've</p> <p>16 heard of that Texas or southern saying, "If it ain't</p> <p>17 broke, don't fix it."</p> <p>18 A. Uh-huh.</p> <p>19 Q. So what was it about the system that you</p> <p>20 thought was broken that you were trying to fix when you</p> <p>21 supported such measures?</p> <p>22 A. I didn't have a -- I -- I didn't -- my -- my</p> <p>23 support for it could just as easily be considered that I</p> <p>24 wouldn't oppose it because I didn't think opposing it</p> <p>25 was appropriate. I saw no problem with presenting a</p> | <p style="text-align: right;">52</p> <p>1 Q. -- IDs?</p> <p>2 A. -- I'm not.</p> <p>3 Q. Later --</p> <p>4 A. I remember discussing it with them when it</p> <p>5 became an issue during legislature, legislative session.</p> <p>6 Q. And how had it become an issue?</p> <p>7 A. Well, as I recall, there were members who</p> <p>8 were -- who were opposing that policy. And I just</p> <p>9 remember -- I remember some conversation with -- either</p> <p>10 with DPS or with members who were interested in the</p> <p>11 issue.</p> <p>12 And I believe I'm remembering this</p> <p>13 correctly that I was surprised that Texas was in a small</p> <p>14 minority of states that didn't already handle it that</p> <p>15 way. So the change I think DPS made was more conforming</p> <p>16 with most states, which, if I'm correct, was surprising</p> <p>17 to me.</p> <p>18 Q. When -- when was this?</p> <p>19 A. I can't remember. In '11, I guess.</p> <p>20 Q. And do you remember who it was at DPS that you</p> <p>21 spoke with about this issue?</p> <p>22 A. No, I don't.</p> <p>23 Q. Do you remember what members of the legislature</p> <p>24 were involved?</p> <p>25 A. I know that Representative Cook is very</p> |

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| <p style="text-align: right;">53</p> <p>1 interested in this issue.</p> <p>2 Q. Later the legislature gave DPS the authority to</p> <p>3 require citizenship documents by statute. Is that</p> <p>4 right?</p> <p>5 A. I don't recall how we resolved it. I think</p> <p>6 that's right.</p> <p>7 Q. Is -- again, if you don't know, just tell us</p> <p>8 that. But is one of the legislative purposes behind</p> <p>9 Senate Bill 14 to determine and ensure that folks who</p> <p>10 receive a ballot are U.S. citizens?</p> <p>11 MR. D'ANDREA: Legislative privilege.</p> <p>12 You may answer under seal.</p> <p>13 And objection; calls for speculation.</p> <p>14 A. I assume so.</p> <p>15 Q. (BY MR. DUNN) Do you know whether any of the</p> <p>16 identifications permitted under Senate Bill 14 can be</p> <p>17 obtained without proving one is a citizen?</p> <p>18 A. I don't know.</p> <p>19 Q. Back to the DPS issue, though, for a moment, it</p> <p>20 sounds like it was not the case that you directed or</p> <p>21 otherwise suggested to DPS to begin requiring</p> <p>22 citizenship documents to issue IDs.</p> <p>23 A. Oh, no.</p> <p>24 Q. Have you been briefed on or otherwise looked</p> <p>25 into difficulties that some citizens may have,</p> | <p style="text-align: right;">55</p> <p>1 permitted, it's your belief that each of those IDs, a</p> <p>2 citizen would have to prove their citizenship in order</p> <p>3 to obtain. Is that right?</p> <p>4 MR. D'ANDREA: Asked and answered.</p> <p>5 A. I don't recall exactly what the ID requirements</p> <p>6 are.</p> <p>7 Q. (BY MR. DUNN) So is that a "I don't know"?</p> <p>8 A. I don't know.</p> <p>9 Q. All right.</p> <p>10 A. Yeah.</p> <p>11 Q. You mentioned earlier -- I'm going to kind of</p> <p>12 shift gears on you and talk about your voting. I assume</p> <p>13 that you vote somewhat regularly as a public official?</p> <p>14 A. Oh, voting like on election day?</p> <p>15 Q. Yes, sir.</p> <p>16 A. Yes.</p> <p>17 Q. Not voting in the House, but voting for elected</p> <p>18 officers --</p> <p>19 A. Yes.</p> <p>20 Q. -- and measures.</p> <p>21 Do you vote in person or by mail?</p> <p>22 A. I vote in person.</p> <p>23 Q. And why do you do it by in person rather than</p> <p>24 mail?</p> <p>25 A. Habit. Try to be home around elections. And</p> |
| <p style="text-align: right;">54</p> <p>1 especially elderly citizens, in obtaining documentation</p> <p>2 to show they were born in the United States, for</p> <p>3 example?</p> <p>4 MR. D'ANDREA: Legislative privilege.</p> <p>5 You may answer under seal.</p> <p>6 A. I know that it's been a matter that's been</p> <p>7 reviewed and discussed, but I don't -- I think there</p> <p>8 were provisions made, weren't there, in the bill for</p> <p>9 elderly and for -- I've forgotten what it was.</p> <p>10 65-year-olds or something. I think some of these -- I</p> <p>11 think some of these matters were considered in the</p> <p>12 legislation, if I'm not mistaken.</p> <p>13 Q. (BY MR. DUNN) There is a provision in the bill</p> <p>14 for people over the age of 65 to vote by mail. Is that</p> <p>15 what you're referring to?</p> <p>16 A. I think so.</p> <p>17 Q. And they can vote by mail without showing such</p> <p>18 identification?</p> <p>19 A. That's correct.</p> <p>20 Q. Is it your recollection that the reason such</p> <p>21 provision was included in the bill was a recognition</p> <p>22 that many of the elderly citizens would be unable to</p> <p>23 obtain citizenship documentation?</p> <p>24 A. I don't recall.</p> <p>25 Q. So when it comes to the various IDs that are</p> | <p style="text-align: right;">56</p> <p>1 early voting lasts so long, there's generally an</p> <p>2 opportunity for me to vote in person.</p> <p>3 Q. And when you vote in person, is it -- is it on</p> <p>4 election day or early voting or a mixture?</p> <p>5 A. Almost always, I vote early.</p> <p>6 Q. Do you see the decision as to when to vote,</p> <p>7 whether early or on election day, is a valuable choice</p> <p>8 that you treasure?</p> <p>9 MR. SCOTT: Objection; form, relevance.</p> <p>10 A. What was the question again?</p> <p>11 Q. (BY MR. DUNN) Do you see the decision -- or</p> <p>12 the choice, the opportunity that you have to vote early</p> <p>13 or on election day, as a valuable choice?</p> <p>14 A. Yes.</p> <p>15 Q. I mean, there -- have there been occasions, for</p> <p>16 example, where you said, "Well, I think I'm going to</p> <p>17 wait to vote till election day because there's some hot</p> <p>18 issues in this race I want to see flesh out"?</p> <p>19 A. No, that hasn't really been a consideration for</p> <p>20 me.</p> <p>21 Q. So from your standpoint, is the driving factor</p> <p>22 when you vote the convenience, when you're able to --</p> <p>23 A. Travel schedule and convenience, yes.</p> <p>24 Q. All right. You mentioned that when you vote,</p> <p>25 you take your voter registration card and your driver's</p> |

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| <p style="text-align: right;">57</p> <p>1 license. Is that right?</p> <p>2 A. Yes.</p> <p>3 Q. And has that been true even prior to Senate</p> <p>4 Bill 14?</p> <p>5 A. For me, yes.</p> <p>6 Q. Can you tell me when your Texas driver's</p> <p>7 license expires?</p> <p>8 A. No, I can't.</p> <p>9 Q. Is it something you have on you, you could look</p> <p>10 at?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Would you mind doing that for me?</p> <p>13 A. No. Sure hope it hasn't expired.</p> <p>14 9-1-2017.</p> <p>15 Q. Can you recall when -- thank you very much.</p> <p>16 Can you recall when you last renewed it?</p> <p>17 A. I do remember.</p> <p>18 Q. When was that?</p> <p>19 A. It was when my youngest daughter turned 18, I</p> <p>20 think, and she wanted a new license, so I went with her.</p> <p>21 And it was the first day of hunting season. It was my</p> <p>22 birthday, September 1st, almost three years ago, I</p> <p>23 think.</p> <p>24 Q. So that would be September 1st, 2011?</p> <p>25 A. I think that's right.</p> | <p style="text-align: right;">59</p> <p>1 gave you your options?</p> <p>2 A. I don't remember. I think maybe I just went</p> <p>3 because my daughter was going and I said, "Well, maybe</p> <p>4 I'll just do it now." I really don't recall.</p> <p>5 Q. So are you aware whether or not there are many</p> <p>6 Texans who possess a state-issued driver's license who</p> <p>7 didn't have to prove identification?</p> <p>8 A. I'm not aware.</p> <p>9 Q. When you went with your daughter to renew your</p> <p>10 license, and hers it sounds like, what location did you</p> <p>11 go to?</p> <p>12 A. We went to one on the southeast side of San</p> <p>13 Antonio.</p> <p>14 Q. What time of day did you go there?</p> <p>15 A. I want to say it was mid -- no, it was -- it</p> <p>16 was in the afternoon, mid -- mid to late afternoon.</p> <p>17 Q. Did you go with anyone else other than you and</p> <p>18 your daughter?</p> <p>19 A. Just the two of us.</p> <p>20 Q. How long were you there?</p> <p>21 A. Longer than I wanted to be. I wanted to go</p> <p>22 shoot doves that afternoon.</p> <p>23 Q. Was it opening day of dove season?</p> <p>24 A. Uh-huh.</p> <p>25 Q. Oh, I see.</p> |
| <p style="text-align: right;">58</p> <p>1 Q. Can you recall when you went and renewed your</p> <p>2 driver's license, whether you had to bring documentation</p> <p>3 showing you were a U.S. citizen?</p> <p>4 A. I don't remember.</p> <p>5 Q. Can you recall whether your daughter was</p> <p>6 required to do the same?</p> <p>7 A. Again, I don't remember.</p> <p>8 Q. Do you know --</p> <p>9 A. I think, as I recall, I could have done it</p> <p>10 online, maybe. I don't think I needed to go in person</p> <p>11 at all, but since she was going, I just wanted to see</p> <p>12 what the experience was like --</p> <p>13 Q. Okay.</p> <p>14 A. -- after spending a lot of money upgrading the</p> <p>15 driver's license offices.</p> <p>16 Q. That's something I want to talk about,</p> <p>17 obviously, later today. Before -- before we get to</p> <p>18 that, you were suggesting that you thought you could</p> <p>19 renew your license online?</p> <p>20 A. I thought so.</p> <p>21 Q. Is it your understanding you can renew your</p> <p>22 license on unlimited occasions online or just a few or</p> <p>23 one?</p> <p>24 A. I don't know.</p> <p>25 Q. You got something in the mail, I assume, that</p> | <p style="text-align: right;">60</p> <p>1 A. Yeah.</p> <p>2 Q. Were you there 30 minutes? an hour? two hours?</p> <p>3 A. We were there a good -- over an hour.</p> <p>4 Q. There used to be a DPS office here near the</p> <p>5 capitol that folks could avail themselves of. Is that</p> <p>6 right?</p> <p>7 A. I heard about it. I never went.</p> <p>8 Q. All right. So I assume you couldn't tell us</p> <p>9 anything about that?</p> <p>10 A. Couldn't tell you anything about it. Is it not</p> <p>11 still here?</p> <p>12 Q. It might be. I don't know. Back when I worked</p> <p>13 here, it was one of my favorite things of working in the</p> <p>14 legislature. Walk over there, there wasn't anybody else</p> <p>15 there. It was like the Maytag repairman in there.</p> <p>16 Anyway, did you consider the wait that you</p> <p>17 had at the DPS office to be unreasonable?</p> <p>18 A. It was longer than it should have been.</p> <p>19 Q. Did you follow up with any agency official</p> <p>20 about that?</p> <p>21 A. I did. I did talk to my staff about it, yes.</p> <p>22 Q. Who on your staff did you speak with?</p> <p>23 A. I don't recall. Probably my chief of staff.</p> <p>24 Q. Did you go directly to the agency and speak</p> <p>25 with anyone?</p> |

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| <p style="text-align: right;">61</p> <p>1 A. I don't think so.</p> <p>2 Q. Did you direct your staff to do so?</p> <p>3 MR. D'ANDREA: Legislative privilege.</p> <p>4 You may answer under seal.</p> <p>5 A. I don't remember specifically. I just remember</p> <p>6 expressing myself that we should be doing better in</p> <p>7 terms of wait times at driver's license offices,</p> <p>8 especially in view of an appropriation that was made to</p> <p>9 make them more efficient, to upgrade their technology.</p> <p>10 Q. (BY MR. DUNN) And did you have any follow-up</p> <p>11 from that conversation with your staff about your</p> <p>12 experience?</p> <p>13 A. I have heard over time that there have been</p> <p>14 improvements, but I'm not -- not aware.</p> <p>15 Q. And I appreciate that. Thank you for that</p> <p>16 answer. But did your staff come back to you and say,</p> <p>17 "We met with this agency, and here's what's happening"</p> <p>18 to respond --</p> <p>19 A. I think --</p> <p>20 MR. D'ANDREA: Legislative privilege.</p> <p>21 You may answer under seal.</p> <p>22 A. I think they have talked to the agency about</p> <p>23 it.</p> <p>24 Q. (BY MR. DUNN) And then your staff would report</p> <p>25 back to you?</p> | <p style="text-align: right;">63</p> <p>1 Q. Was that something driven by the appropriations</p> <p>2 committee and the appropriations chair?</p> <p>3 A. It was driven -- as I recall, Senator Williams,</p> <p>4 I think, was mainly involved with that.</p> <p>5 Q. I mean, it wasn't the case that the agency came</p> <p>6 to you and you told appropriations, "Look, this is</p> <p>7 something we need to find" --</p> <p>8 A. No, I did not.</p> <p>9 Q. Again, is this a process that, other than</p> <p>10 presiding over the House generally, you weren't really</p> <p>11 involved in?</p> <p>12 A. Not in a specific way, no.</p> <p>13 Q. Do you recall any conversations to the effect</p> <p>14 of, you know, "We need to try to do something about</p> <p>15 these lines at DPS because of the photo identification</p> <p>16 requirement"?</p> <p>17 MR. D'ANDREA: Legislative privilege.</p> <p>18 You may answer under seal.</p> <p>19 A. No, it was more a modernization of something</p> <p>20 that had -- didn't look like it was keeping up with</p> <p>21 current acceptable customer service metrics.</p> <p>22 Q. (BY MR. DUNN) So from your point of view, were</p> <p>23 the issues unrelated in terms of the DPS modernization</p> <p>24 and the photo identification bill?</p> <p>25 MR. D'ANDREA: Legislative privilege.</p> |
| <p style="text-align: right;">62</p> <p>1 A. Generally, yeah.</p> <p>2 Q. And again, you think it was the chief of staff</p> <p>3 that handled that for you?</p> <p>4 A. I would assume so. I don't recall.</p> <p>5 Q. And what is that person's name?</p> <p>6 A. Jesse Ancira.</p> <p>7 Q. All right. I want to move on to the DPS</p> <p>8 funding issue that you've alluded to. But if it's</p> <p>9 acceptable to you, I'd like to take a break.</p> <p>10 A. Sure.</p> <p>11 MR. DUNN: All right.</p> <p>12 (Recess from 10:10 a.m. to 10:24 a.m.)</p> <p>13 Q. (BY MR. DUNN) All right, Mr. Speaker, I think</p> <p>14 I've got maybe another 30 or 45 minutes for myself, and</p> <p>15 then I'll pass it off to these folks.</p> <p>16 A. Okay.</p> <p>17 Q. I know your time is valuable.</p> <p>18 We were going to, before we went on break,</p> <p>19 talk about the DPS funding issue.</p> <p>20 A. Uh-huh.</p> <p>21 Q. Can you recall what time period it came up that</p> <p>22 the legislature started to consider giving DPS more</p> <p>23 funding?</p> <p>24 A. It was in the -- I think it was the 2011 budget</p> <p>25 appropriations bill.</p> | <p style="text-align: right;">64</p> <p>1 You may answer under seal.</p> <p>2 A. Yeah, I hadn't really tied the two together. I</p> <p>3 just thought the driver's license offices ought to be</p> <p>4 working more efficiently generally.</p> <p>5 Q. (BY MR. DUNN) You mentioned metrics. Had you</p> <p>6 seen some data or metrics or measurements as to wait</p> <p>7 times or which offices were more efficient, et cetera?</p> <p>8 A. I don't recall. There was some talk about it,</p> <p>9 but I don't remember what they were.</p> <p>10 Q. Was that information, to your knowledge, that</p> <p>11 the legislature had requested either by resolution or</p> <p>12 bill in the past?</p> <p>13 A. I don't remember.</p> <p>14 Q. And so I would assume it's also your answer you</p> <p>15 don't know if such information exists?</p> <p>16 A. I -- I don't know, but I -- I can't -- it seems</p> <p>17 to me that there was something developed. Whether it</p> <p>18 was before '11 or after '11, I'm not sure.</p> <p>19 Q. For example, with your experience in the south</p> <p>20 side of San Antonio office, did you ask for, obtain or</p> <p>21 receive metrics about that office's wait times?</p> <p>22 A. I did not.</p> <p>23 Q. And do you know whether the Department of</p> <p>24 Public Safety was provided any additional funding to</p> <p>25 deal with issues that relate to Senate Bill 14?</p> |

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| <p style="text-align: right;">65</p> <p>1 A. I don't know whether there was any kind of 2 direct tie to that legislation or whether it was just to 3 modernize and upgrade their equipment and become more 4 efficient. 5 Q. Do you remember if there was a fiscal impact 6 reported for Senate Bill 14? 7 A. I remember a discussion about it, but I don't 8 remember what it was. 9 Q. You don't know whether there was money 10 appropriated for Senate Bill 14? 11 A. I don't -- I don't recall. I know there was a 12 discussion about making allowances for those who did not 13 have a photo ID to obtain one at no cost to them. 14 Q. This is the EIC, the election identification 15 certificate? 16 A. I suppose so. 17 Q. But do you recall any appropriation or 18 re-categorization of appropriated money that was to be 19 used for implementing Senate Bill 14? 20 A. I don't. 21 Q. Do you know whether the Department of Public 22 Safety has access to the statewide birth certificate 23 information? 24 A. I don't. 25 Q. Do you know whether that issue was debated as</p> | <p style="text-align: right;">67</p> <p>1 special committee in the House was to prevent such 2 stalling -- 3 MR. D'ANDREA: Legislative privilege. 4 You may answer under seal. 5 Q. (BY MR. DUNN) -- in 2011? 6 MR. D'ANDREA: I'm sorry. 7 A. No, I don't recall that being a reason. 8 Q. (BY MR. DUNN) Do you know why the photo 9 identification bills became more restrictive as it got 10 to 2011? 11 A. I don't. 12 Q. In the consideration of the 2011 Senate Bill 14 13 and other related identification measures, did you ever 14 receive any threats or talking to's by other government 15 officers about "Make sure this bill gets passed, or 16 else"? 17 MR. D'ANDREA: Legislative privilege. 18 You may answer under seal. 19 A. No. 20 Q. (BY MR. DUNN) Did you ever have somebody call 21 into question to you their support for you as Speaker 22 unless they saw photo identification measure pass? 23 MR. D'ANDREA: Legislative privilege. 24 You may answer under seal. 25 A. No, I don't recall that.</p> |
| <p style="text-align: right;">66</p> <p>1 part of the modernization of DPS? 2 A. I don't recall. 3 Q. Do you know whether any consideration was given 4 to issuing IDs at non-DPS offices? 5 A. I don't remember. 6 Q. All right. And I would assume, then, you 7 similarly don't remember if there was any fiscal impact 8 to such ideas? 9 A. That's correct. I don't know. 10 Q. I'm going to represent to you that over the 11 course of the handful of legislatures before 2011, photo 12 identification bills were considered by the legislature 13 and, that I've noted anyway, over time, those bills 14 became more restrictive from when they were first 15 proposed to when Senate Bill 14 was passed. Do you have 16 any recollection of that? 17 A. I don't, really. I don't -- I haven't compared 18 one to another. 19 Q. Now, I've noted also in the public history that 20 photo identification bills prior to 2011 were hotly 21 contested and they would get close to passing and then 22 one chamber or the other would get stalled up. Is that 23 your basic recollection? 24 A. Yes. 25 Q. Do you know whether the purpose of creating the</p> | <p style="text-align: right;">68</p> <p>1 Q. (BY MR. DUNN) Initially Senate Bill 14 had to 2 be pre-cleared under the federal Voting Rights Act, 3 Section 5. And the State sought preclearance through a 4 lawsuit in Washington, D.C. Are you generally familiar 5 with that event or those series of events? 6 A. Very generally. 7 Q. I mean, you realize that happened? That's all 8 I -- 9 A. Yes. 10 Q. And ultimately the court that considered that 11 preclearance request issued a ruling denying 12 preclearance. Are you aware of that? 13 A. Generally, yeah. 14 Q. Did you ever read that ruling? 15 A. I did not. 16 Q. I can tell you that the legal effect of that 17 ruling was to prevent Senate Bill 14 from being 18 implemented, at least initially. 19 MR. D'ANDREA: Objection; mischaracterizes 20 the ruling. 21 Q. (BY MR. DUNN) And then the United States 22 Supreme Court issued an opinion called Shelby County vs. 23 Holder and found that the coverage formula for Section 5 24 didn't apply to Texas anymore. Are you generally 25 familiar that that occurred?</p> |

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| <p style="text-align: right;">69</p> <p>1 A. Generally.</p> <p>2 Q. All right. Did you ever read the Shelby County</p> <p>3 opinion?</p> <p>4 A. Did not.</p> <p>5 Q. So just to make sure I'm clear and I've got</p> <p>6 this in the record without objection, you haven't read</p> <p>7 the district court's ruling on preclearance for Senate</p> <p>8 Bill 14?</p> <p>9 A. That's correct.</p> <p>10 Q. And you also haven't read the Shelby County</p> <p>11 opinion?</p> <p>12 A. That's correct.</p> <p>13 Q. The Texas attorney general took the position</p> <p>14 that once the Shelby County opinion was issued, that</p> <p>15 Senate Bill 14 could be implemented, and he announced as</p> <p>16 such. Do you recall that happening?</p> <p>17 A. Yes.</p> <p>18 Q. Were you consulted at all before that decision?</p> <p>19 A. No.</p> <p>20 MR. SCOTT: Objection; form.</p> <p>21 Q. (BY MR. DUNN) Was there, in other words, any</p> <p>22 contact with your office about "Preclearance is no</p> <p>23 longer required. We can implement Senate Bill 14 if we</p> <p>24 want to"?</p> <p>25 A. I'm sure there was contact with my office,</p> | <p style="text-align: right;">71</p> <p>1 A. I don't.</p> <p>2 Q. I just want to ask you a little bit about</p> <p>3 voting behavior. I assume you've done some analysis of</p> <p>4 voter behavior in your district.</p> <p>5 A. Like what?</p> <p>6 Q. All right. Well, let's start with this. Do</p> <p>7 you know the general racial makeup of the citizens in</p> <p>8 your district?</p> <p>9 A. Not exactly, no.</p> <p>10 Q. Do you have some sense of it?</p> <p>11 A. Not -- not -- not that I would -- if you -- if</p> <p>12 you gave it to me, I could say that it wouldn't surprise</p> <p>13 me.</p> <p>14 Q. Okay. I don't have it with me --</p> <p>15 A. I don't have it with me either.</p> <p>16 Q. And I'm not trying to quiz you on it, but I</p> <p>17 know that some members, for example, can say, "My</p> <p>18 district's" --</p> <p>19 A. No, I don't know.</p> <p>20 Q. -- "80 percent Anglo, about, or 20 percent"</p> <p>21 this.</p> <p>22 A. No, I don't know.</p> <p>23 Q. Okay. Have you ever analyzed whether the --</p> <p>24 A. I have known. I just don't recall what it is.</p> <p>25 Q. Sure. I mean, that's information you've looked</p> |
| <p style="text-align: right;">70</p> <p>1 yeah.</p> <p>2 Q. Can you relay any of that to us?</p> <p>3 A. No.</p> <p>4 Q. Do you know what consideration, if any, was</p> <p>5 made of the factual findings that the United States</p> <p>6 District Court in D.C. found in the preclearance case</p> <p>7 before implementation?</p> <p>8 A. No.</p> <p>9 Q. Do you know whether the district court opinion</p> <p>10 on preclearance found that Senate Bill 14 would have a</p> <p>11 disparate impact on minority citizens?</p> <p>12 MR. D'ANDREA: Objection; assumes facts not</p> <p>13 in evidence. Those findings have been vacated.</p> <p>14 A. What was the question?</p> <p>15 Q. (BY MR. DUNN) Do you know whether the district</p> <p>16 court opinion in the preclearance action found that</p> <p>17 Senate Bill 14 would have a disparate impact on minority</p> <p>18 citizens?</p> <p>19 A. I don't know.</p> <p>20 MR. SCOTT: Same objection.</p> <p>21 Q. (BY MR. DUNN) Do you know whether Senate</p> <p>22 Bill -- or do you know whether the preclearance decision</p> <p>23 in D.C., what it found as it pertains to the State's</p> <p>24 ability to prove Senate Bill 14 was not passed with a</p> <p>25 discriminatory intent?</p> | <p style="text-align: right;">72</p> <p>1 at in the past?</p> <p>2 A. Yes.</p> <p>3 Q. Have you ever looked at whether voting behavior</p> <p>4 in your district is racially polarized?</p> <p>5 A. No, I haven't looked.</p> <p>6 Q. Have you looked at such information on voters</p> <p>7 statewide?</p> <p>8 A. I'm sure I've read about it in articles.</p> <p>9 Q. What do you recall reading in articles?</p> <p>10 A. Generally it's the -- it's the coverage of the</p> <p>11 percentage of minority votes for certain candidates.</p> <p>12 Q. And what's your sense of that coverage?</p> <p>13 A. How -- how well or not well certain Republicans</p> <p>14 are doing in a certain cycle with minority voters. But</p> <p>15 I don't -- I don't remember what those numbers are</p> <p>16 either, frankly.</p> <p>17 Q. Well, and not focusing on exact numbers, but is</p> <p>18 it your recollection that voters in Texas are racially</p> <p>19 polarized, that, for example, blacks and Hispanics vote</p> <p>20 for one party's nominee and a large number of Anglos</p> <p>21 vote for another party's nominee, or is that something</p> <p>22 you just don't know?</p> <p>23 A. I mean, I seem to have read about it, yeah. I</p> <p>24 mean, I think that has been the case recently.</p> <p>25 Q. All right.</p> |

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| <p style="text-align: right;">73</p> <p>1 A. I think everybody's polarized.</p> <p>2 Q. On everything?</p> <p>3 A. Yeah.</p> <p>4 Q. All right. What did you do to prepare for your</p> <p>5 deposition today? You told me you spoke with some</p> <p>6 lawyers at the attorney general's office. I don't want</p> <p>7 you to get into that, okay? But other than that, did</p> <p>8 you speak with anybody else?</p> <p>9 A. No.</p> <p>10 Q. Did you review any documents?</p> <p>11 A. Only maybe a couple things that these gentlemen</p> <p>12 may have shown me from -- I don't remember what they --</p> <p>13 you know, nothing -- nothing -- "review" would be too</p> <p>14 strong of a word.</p> <p>15 Q. Okay. Can you recall any document that you</p> <p>16 looked at?</p> <p>17 A. No.</p> <p>18 Q. Even what it was?</p> <p>19 A. Give me a minute, I'll -- I'll remember</p> <p>20 something they showed me, but I don't remember what they</p> <p>21 were. Nothing that caught my attention.</p> <p>22 Q. Did you --</p> <p>23 THE WITNESS: Sorry, guys.</p> <p>24 Q. (BY MR. DUNN) Did you review the text of</p> <p>25 Senate Bill 14?</p> | <p style="text-align: right;">75</p> <p>1 responses, and you understand you have to continue to do</p> <p>2 that.</p> <p>3 You also understand that you continue to be</p> <p>4 under oath and that you're expected to give complete and</p> <p>5 full answers, correct?</p> <p>6 A. Yes.</p> <p>7 Q. All right. So I guess I want to start where --</p> <p>8 where we left off regarding the Texas v. Holder</p> <p>9 decision. And I understand that you testified that you</p> <p>10 did not read that decision, or you don't recall reading</p> <p>11 that decision?</p> <p>12 A. I'm sure I didn't read it.</p> <p>13 Q. Was there -- at any point, was there any type</p> <p>14 of briefing in the legislature regarding the Texas v.</p> <p>15 Holder decision?</p> <p>16 MR. D'ANDREA: Legislative privilege.</p> <p>17 You may answer under seal.</p> <p>18 A. My counsel may have discussed it with me, but I</p> <p>19 don't -- I don't remember reading an analysis or a</p> <p>20 legislative analysis, no.</p> <p>21 Q. (BY MR. GEAR) Well, and more -- more</p> <p>22 specifically, I'm trying to understand as -- the</p> <p>23 legislature as a whole, the House, was there ever a time</p> <p>24 where the subject of Texas v. Holder was discussed in --</p> <p>25 in the House?</p> |
| <p style="text-align: right;">74</p> <p>1 A. I did not.</p> <p>2 Q. And I assume you didn't review the earlier</p> <p>3 court decision that pertains to Senate Bill 14?</p> <p>4 A. No, I did not.</p> <p>5 Q. Did you review any of the rulings that the</p> <p>6 judge presiding over this case has issued?</p> <p>7 A. No.</p> <p>8 Q. All right. Have I been courteous to you today?</p> <p>9 A. Let me fill out your card. I'll give you a 10.</p> <p>10 Q. Okay. Out of 100?</p> <p>11 Thank you, Mr. Speaker. I appreciate your</p> <p>12 time.</p> <p>13 A. You bet.</p> <p>14 EXAMINATION</p> <p>15 BY MR. GEAR:</p> <p>16 Q. Sir, my name is Bruce Gear. I'm with the</p> <p>17 Department of Justice. I'm one of the attorneys</p> <p>18 representing the United States. And just to start off,</p> <p>19 I'd like to just go back over quickly the ground</p> <p>20 rules --</p> <p>21 A. Okay.</p> <p>22 Q. -- of the deposition.</p> <p>23 A. Uh-huh.</p> <p>24 Q. I'll be asking the questions. You're going to</p> <p>25 answer, and you've been answering using verbal</p> | <p style="text-align: right;">76</p> <p>1 A. I don't recall.</p> <p>2 Q. Did you or your staff have any discussions with</p> <p>3 the lieutenant governor following the Texas v. Holder</p> <p>4 decision?</p> <p>5 MR. D'ANDREA: Legislative privilege.</p> <p>6 You may answer under seal.</p> <p>7 A. I don't recall having one. My office may have.</p> <p>8 I don't know.</p> <p>9 Q. (BY MR. GEAR) Do you recall who may have been</p> <p>10 involved in that meeting?</p> <p>11 A. I'm not sure there was one. But I would assume</p> <p>12 if there was, it would be my -- either my chief of staff</p> <p>13 or my counsel here, Mr. Battle.</p> <p>14 Q. So during the implementation of SB14, did you</p> <p>15 or your staff play any role in the implementation of</p> <p>16 SB14?</p> <p>17 A. Not that I'm aware of, no.</p> <p>18 Q. Were you asked to play any particular role</p> <p>19 during the implementation of SB14, as speaker?</p> <p>20 A. Not that I recall, no.</p> <p>21 Q. Have you received any updates from any agency</p> <p>22 regarding the implementation of SB14?</p> <p>23 A. Not to my knowledge.</p> <p>24 Q. And when I say "updates," I'm talking about</p> <p>25 written documentation discussing the progress of</p> |

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| <p style="text-align: right;">77</p> <p>1 implementation.</p> <p>2 A. Not to me directly, no.</p> <p>3 Q. Are you aware who, if anyone, would have</p> <p>4 received such updates in the House?</p> <p>5 A. No, I don't know.</p> <p>6 Q. Are you aware of whether or not the Secretary</p> <p>7 of State's office engaged in any analysis regarding the</p> <p>8 impact of SB14 on minority voters since the</p> <p>9 implementation of SB14?</p> <p>10 A. I'm not aware.</p> <p>11 Q. Are you aware of whether the legislators who</p> <p>12 supported SB14 have made any attempt to assess the</p> <p>13 impact of SB14 on minority voters?</p> <p>14 A. I don't know.</p> <p>15 Q. Are you aware of any agency in the -- in the</p> <p>16 state that has attempted to assess the impact of SB14 on</p> <p>17 minority voters?</p> <p>18 A. I'm not aware.</p> <p>19 Q. All right. And just to round that circle, are</p> <p>20 you aware of any analysis whatsoever since the</p> <p>21 implementation of SB14 to determine the impact of SB14</p> <p>22 on voters generally?</p> <p>23 A. I don't know.</p> <p>24 Q. Do you know any -- whether there are any state</p> <p>25 agencies that have attempted to determine the number of</p> | <p style="text-align: right;">79</p> <p>1 A. Describe it?</p> <p>2 Q. The title, the date.</p> <p>3 A. Oh, yeah. San Antonio Express News, June 7,</p> <p>4 2009.</p> <p>5 Q. And directing your attention to page 1, the</p> <p>6 fourth paragraph, I believe, do you see where it says,</p> <p>7 "The issue of ballot security is important, but the way</p> <p>8 the Senate behaved at the first opportunity did nothing</p> <p>9 to help the House pass a responsible anti-voter fraud</p> <p>10 bill"?</p> <p>11 Do you see that?</p> <p>12 A. I see that, yes.</p> <p>13 Q. Can you explain to me what you -- and based on</p> <p>14 your prior testimony --</p> <p>15 A. Uh-huh.</p> <p>16 Q. -- I believe you described that as an accurate</p> <p>17 quote, correct?</p> <p>18 A. I don't always say that about the media --</p> <p>19 about the press, but, yeah, I think probably it probably</p> <p>20 was.</p> <p>21 Q. So based on your statement, can you explain to</p> <p>22 me what you meant by "the way the Senate behaved at the</p> <p>23 first opportunity"?</p> <p>24 MR. D'ANDREA: Legislative privilege.</p> <p>25 You may answer under seal.</p> |
| <p style="text-align: right;">78</p> <p>1 provisional ballots that have been cast based on the</p> <p>2 provisions of SB14?</p> <p>3 A. Say the question again.</p> <p>4 Q. Do you -- do you know if there are any agencies</p> <p>5 that have attempted to determine the number of</p> <p>6 provisional ballots that have been cast based on the</p> <p>7 provisions of SB14?</p> <p>8 A. I don't know.</p> <p>9 MR. GEAR: Could I have this marked,</p> <p>10 please?</p> <p>11 (Straus Exhibit No. 1 was marked.)</p> <p>12 Q. (BY MR. GEAR) While the sticker covers it up,</p> <p>13 this was previously marked as U.S. Exhibit 470, and I</p> <p>14 believe the --</p> <p>15 A. My last name just has one s on the end. It</p> <p>16 happens all the time. That's a Democrat spelling.</p> <p>17 Q. She did it.</p> <p>18 Anyway, the -- this was previously marked</p> <p>19 as Exhibit -- U.S. Exhibit 470, and I would represent</p> <p>20 that you provided testimony regarding this particular</p> <p>21 document during your last deposition. Do you recall</p> <p>22 seeing this document?</p> <p>23 A. I do now, yes.</p> <p>24 Q. And for the record, this is a news article.</p> <p>25 Can you describe the document for me?</p> | <p style="text-align: right;">80</p> <p>1 A. I mean, I'm having a hard time remembering that</p> <p>2 long ago now, but I think in 2009, there was some change</p> <p>3 in the regular order of business of the Senate to bring</p> <p>4 this bill up, and I think it -- it was -- I felt that it</p> <p>5 was -- this comment was really related to the measures</p> <p>6 taken in the Senate and timing related to other business</p> <p>7 of the House.</p> <p>8 Q. (BY MR. GEAR) So let's see if we can put some</p> <p>9 context to the -- the time period. You said "to bring</p> <p>10 this bill up." Are you referring to Senator Fraser's</p> <p>11 bill?</p> <p>12 A. I'm trying to remember. I don't remember whose</p> <p>13 bill it was or what it was. I think what I was probably</p> <p>14 referring to was that the 140 days we have in the</p> <p>15 legislature and when bills move and so forth, and I</p> <p>16 think it was just the whole atmospherics of House and</p> <p>17 Senate.</p> <p>18 Q. Is it fair to say that in 2009, the Senate</p> <p>19 introduced a voter photo identification legislation?</p> <p>20 A. Did they?</p> <p>21 Q. Did they?</p> <p>22 A. Yes.</p> <p>23 Q. And do you recall if -- do you recall the</p> <p>24 number of that particular piece of legislation?</p> <p>25 A. I don't.</p> |

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| <p style="text-align: right;">81</p> <p>1 Q. If I was to represent to you that it was Senate 2 Bill 362, would that help refresh your recollection? 3 A. No. 4 Q. Do you recall who the author of that bill was? 5 A. You mentioned Fraser, so I guess I vaguely 6 remember he was the author. 7 Q. Am I correct or do you recall that the Senate 8 modified the two-thirds-of-consent requirement to bring 9 Senator Fraser's bill to the Senate forum? 10 MR. D'ANDREA: Objection; that 11 mischaracterizes the rule. 12 Q. (BY MR. GEAR) You can answer. 13 MR. D'ANDREA: Yes, please. 14 A. Yeah, I vaguely recall that, yeah. 15 Q. And that change was in -- made in 2009. Am I 16 correct? 17 A. I -- yeah. Yes. 18 Q. And do you recall if the change to the 19 two-thirds rule was a subject matter specific to Senator 20 Fraser's bill? 21 A. I assume so, yes. As I remember at this point, 22 yes. 23 Q. So, now, turning back to what's now been marked 24 as Exhibit 1 -- 25 A. Uh-huh.</p> | <p style="text-align: right;">83</p> <p>1 MR. D'ANDREA: Also privileged. 2 A. Well, I don't know that we were that 3 coordinated, but I did -- I do recall that -- that the 4 House, in 2009, was a very closely divided House with -- 5 on a partisan basis. 6 And as I remember, the Senate was acting on 7 its own and on its own time frame, and the House was 8 a -- was a, you know, difficult, close body to manage. 9 And I think that's what these comments were related to. 10 Q. (BY MR. GEAR) And to finish this quote, you 11 ended with, "It's become all politics." Can you explain 12 that? 13 MR. D'ANDREA: Also privileged. 14 A. No, I can't. 15 Q. (BY MR. GEAR) Turning your attention to 16 page 2, the third paragraph, you're also quoted as 17 saying, "Everything would have been wonderful, but it 18 wasn't my choice to deal with it this way . . . we 19 had" -- strike that -- "but it wasn't my choice to deal 20 with it the way we had to with the temperature turned up 21 as much as it was. That was the Lieutenant Governor 22 David Dewhurst's decision." 23 Do you see where it says that? 24 A. I see that, yes. 25 Q. What decision did the lieutenant governor make</p> |
| <p style="text-align: right;">82</p> <p>1 Q. -- the news article, "The issue of ballot 2 security is important, but the way the Senate behaved at 3 the first opportunity," did our discussion at all help 4 refresh your recollection as to what was going on during 5 that time period? 6 MR. D'ANDREA: Legislative privilege. 7 You may answer under seal. 8 A. Yeah, a little bit. I think it was -- as I 9 recall, my comments were really regarding the ability of 10 the House to pass legislation, and I think the House and 11 the Senate, as is not unusual, had different views about 12 which body should act and when and how we relate to one 13 another. 14 Q. (BY MR. GEAR) You also indicate in your -- in 15 your quote that they did nothing to help pass a 16 responsible antifraud -- anti-voter fraud bill. Can you 17 explain what you meant by that? 18 MR. D'ANDREA: Legislative privilege. 19 You may answer under seal. 20 A. Yeah, I don't remember exactly at this point, 21 but -- I don't remember exactly what it was. 22 Q. (BY MR. GEAR) Was there some type of 23 disagreement between the House and the Senate as to what 24 type of voter photo identification legislation should be 25 advanced?</p> | <p style="text-align: right;">84</p> <p>1 regarding voter photo ID legislation? 2 MR. D'ANDREA: Legislative privilege. 3 You may answer under seal. 4 A. I don't recall what it was. 5 Q. (BY MR. GEAR) Does the lieutenant governor 6 control the legislative calendar? 7 A. Yes. 8 Q. Do you recall if he made a decision regarding 9 the legislative calendar in 2009 as it relates to voter 10 photo identification? 11 A. I recall that -- I don't remember the 12 specifics, but I do think they -- that they brought -- 13 yes, I think he -- I think what I was talking about was, 14 this was not making -- some of their procedures over 15 there was not making it easier for a closely divided 16 House to deal with matters such as this. 17 Q. And "the procedures over there," you're 18 referring to the Senate? 19 A. (Nodding head affirmatively.) 20 Q. And what procedures specifically were you 21 concerned with? 22 A. I don't remember. I don't remember anymore. 23 Q. Is it fair to say that the procedures that you 24 were concerned about were deviations from the normal 25 procedures that are followed in the Senate?</p> |

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| <p style="text-align: right;">85</p> <p>1 A. I don't -- I really don't recall.</p> <p>2 Q. You go on to be quoted as saying, "While I'm</p> <p>3 supportive of voter ID and ballot security, I thought it</p> <p>4 was unwise for him to take the extraordinary measure</p> <p>5 that he did to get it to this place."</p> <p>6 Did I read that correctly?</p> <p>7 A. I suppose so, yes. I mean, you read the</p> <p>8 article correctly, yes.</p> <p>9 Q. And do you believe that this is an accurate</p> <p>10 quote?</p> <p>11 A. I believe it is. This was what was to be an</p> <p>12 off-the-record discussion with the reporter.</p> <p>13 Q. That turned into --</p> <p>14 A. Turned out not to be, yes.</p> <p>15 Q. When you say "unwise for him," are you</p> <p>16 referring to David Dewhurst?</p> <p>17 A. I suppose --</p> <p>18 MR. D'ANDREA: Legislative privilege.</p> <p>19 You can answer under seal.</p> <p>20 A. I suppose so.</p> <p>21 Q. (BY MR. GEAR) And when you're referring to</p> <p>22 "the extraordinary measure that he did to get it to this</p> <p>23 place," you're referring to voter photo ID legislation?</p> <p>24 MR. D'ANDREA: Also privileged.</p> <p>25 A. I suppose so.</p> | <p style="text-align: right;">87</p> <p>1 A. I don't -- I don't recall anymore.</p> <p>2 Q. (BY MR. GEAR) Near the bottom of page 2, I</p> <p>3 think it's the third paragraph up, it says, "Both sides</p> <p>4 are taking a really hard position and exaggerating it</p> <p>5 when you indicate both sides are taking a hard</p> <p>6 position."</p> <p>7 Can you tell me what sides you were</p> <p>8 referring to?</p> <p>9 MR. D'ANDREA: Legislative privilege.</p> <p>10 You may answer under seal.</p> <p>11 A. I guess it was the -- the arguments that they</p> <p>12 were making and the debate over the bill.</p> <p>13 Q. (BY MR. GEAR) And when you say "the arguments</p> <p>14 that they were making," the quote goes on to say that</p> <p>15 "Democrats exaggerate the danger of a more modest bill,</p> <p>16 and Republicans exaggerate the depth of the problem that</p> <p>17 needs to be addressed."</p> <p>18 Do you see that?</p> <p>19 A. I see that, yes.</p> <p>20 Q. And do you -- again, do you believe that that's</p> <p>21 an accurate quote?</p> <p>22 A. I suppose so. It was a long time ago and, I</p> <p>23 thought, off the record, so I don't even remember making</p> <p>24 it, but I don't have reason to believe it wasn't.</p> <p>25 Q. So starting with the beginning of this quote,</p> |
| <p style="text-align: right;">86</p> <p>1 Q. (BY MR. GEAR) That's a yes?</p> <p>2 A. Yeah, it is. Yeah.</p> <p>3 Q. And when you're referring to "the extraordinary</p> <p>4 measure," can you explain that for me?</p> <p>5 A. I cannot.</p> <p>6 MR. D'ANDREA: Also privileged.</p> <p>7 A. I cannot.</p> <p>8 Q. (BY MR. GEAR) So as you sit here today, you</p> <p>9 don't recall what extraordinary measure --</p> <p>10 A. I don't remember --</p> <p>11 Q. -- that David Dewhurst took --</p> <p>12 A. -- anymore. I remember --</p> <p>13 THE REPORTER: I'm sorry. Could you repeat</p> <p>14 the question, please?</p> <p>15 Q. (BY MR. GEAR) I'm sorry. That was my fault.</p> <p>16 As you sit here today, you do not recall</p> <p>17 the extraordinary measure that David Dewhurst took to</p> <p>18 get the photo ID legislation in place?</p> <p>19 MR. D'ANDREA: Asked and answered.</p> <p>20 MR. GEAR: I believe we overspoke each</p> <p>21 other, and the court reporter asked me to repeat the</p> <p>22 question.</p> <p>23 MR. D'ANDREA: Well, I know. I meant</p> <p>24 before that.</p> <p>25 MR. GEAR: Sure.</p> | <p style="text-align: right;">88</p> <p>1 what positions -- what hard positions do you believe</p> <p>2 were being exaggerated when it came to Senator Fraser's</p> <p>3 photo ID legislation?</p> <p>4 MR. D'ANDREA: Also privileged.</p> <p>5 A. I do not recall.</p> <p>6 Q. (BY MR. GEAR) Do you recall what positions the</p> <p>7 Democrats, as -- as it relates to your quote, what</p> <p>8 positions they were taking and possibly exaggerating?</p> <p>9 A. I don't.</p> <p>10 Q. Do you recall what positions the Republicans</p> <p>11 were exaggerating as it relates to photo ID legislation?</p> <p>12 A. I don't.</p> <p>13 Q. And more specifically, it indicates that</p> <p>14 Republicans were exaggerating the depth of the problem</p> <p>15 that needs to be addressed. What problem needed to be</p> <p>16 addressed with photo ID legislation, as you understand</p> <p>17 it?</p> <p>18 A. The issue of voter fraud.</p> <p>19 Q. And specifically, is -- was that limited to</p> <p>20 in-person voter fraud at the polling place?</p> <p>21 A. Yes.</p> <p>22 Q. And are you aware of whether -- and I'm going</p> <p>23 to change the time period. SB14, did that deal with</p> <p>24 by-mail ballot fraud in any form or fashion?</p> <p>25 A. I don't know.</p> |

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| <p style="text-align: right;">89</p> <p>1 (Straus Exhibit No. 2 was marked.)</p> <p>2 Q. (BY MR. GEAR) So I'm showing you what's been</p> <p>3 marked as Exhibit No. 2. And I'll give you a chance to</p> <p>4 look at that.</p> <p>5 MR. GEAR: And I would note for the record</p> <p>6 that this is a highly confidential document and that I</p> <p>7 understand how we're handling these.</p> <p>8 MR. SCOTT: Which is that these and</p> <p>9 following -- any questions regarding the highly</p> <p>10 confidential document will automatically be kept under</p> <p>11 seal, is my understanding.</p> <p>12 MR. GEAR: Yes.</p> <p>13 MR. SCOTT: Okay.</p> <p>14 A. (Examines document.)</p> <p>15 MR. D'ANDREA: Counsel, just to be clear,</p> <p>16 this was redacted, right, the X marks?</p> <p>17 MR. GEAR: Not by me.</p> <p>18 MR. D'ANDREA: Okay.</p> <p>19 MR. GEAR: I'll put it on the record.</p> <p>20 MR. D'ANDREA: Okay.</p> <p>21 Q. (BY MR. GEAR) So I've given you an opportunity</p> <p>22 to look at Exhibit No. 2. Can you identify this for me?</p> <p>23 A. How would I do that?</p> <p>24 Q. What -- let's start with, what is it?</p> <p>25 A. It's a letter.</p> | <p style="text-align: right;">91</p> <p>1 A. I don't know that I see every one of them.</p> <p>2 Q. But do you make a habit of approving draft</p> <p>3 letters that are sent out to constituents?</p> <p>4 A. I try to.</p> <p>5 Q. All right. And specifically, I just want to</p> <p>6 turn your attention to paragraph 2.</p> <p>7 A. Uh-huh.</p> <p>8 Q. "The 82nd Legislature convened on January 11,</p> <p>9 2011. To date, there has been no legislation filed to</p> <p>10 address potential fraud related to mail-in ballots."</p> <p>11 Do you see that?</p> <p>12 A. I see that, yes.</p> <p>13 Q. And is it fair to say that SB14 did not address</p> <p>14 fraud related to mail-in ballots?</p> <p>15 A. I don't recall what was in the bill.</p> <p>16 Q. All right. But based upon your letter, does it</p> <p>17 appear to represent that SB14 does not address potential</p> <p>18 fraud related to mail-in ballots?</p> <p>19 A. Based on this letter, yes.</p> <p>20 Q. Now, staying along the -- along the line of</p> <p>21 your discussions with constituents, did you communicate</p> <p>22 with constituents during the consideration of SB14?</p> <p>23 A. I don't remember.</p> <p>24 Q. You certainly communicated with constituents</p> <p>25 regarding SB14 and --</p> |
| <p style="text-align: right;">90</p> <p>1 Q. And it's prepared for your signature, correct?</p> <p>2 A. That's correct.</p> <p>3 Q. And --</p> <p>4 A. It looks like it was to a constituent of a</p> <p>5 member of the House. It was addressed to me, but a</p> <p>6 constituent of another member.</p> <p>7 MR. GEAR: And I would make a</p> <p>8 representation that this appears to have come from</p> <p>9 Speaker Straus' legislative files. Unfortunately, when</p> <p>10 it printed, the numbers in the right-hand corner were</p> <p>11 cut off.</p> <p>12 Q. (BY MR. GEAR) Did you have -- make a habit of</p> <p>13 drafting letters to respond to constituents during the</p> <p>14 consideration of SB14?</p> <p>15 A. Did I make a habit of?</p> <p>16 Q. Drafting letters to respond to constituents</p> <p>17 during the consideration of SB14.</p> <p>18 A. I don't recall. I would assume so.</p> <p>19 Q. And have you seen this particular draft</p> <p>20 letter --</p> <p>21 A. I don't remember.</p> <p>22 Q. -- previously?</p> <p>23 A. I don't remember.</p> <p>24 Q. Do you approve draft letters that are sent to</p> <p>25 constituents?</p> | <p style="text-align: right;">92</p> <p>1 A. Yes.</p> <p>2 Q. -- and the issue of by-mail ballot fraud,</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. Do you recall communicating with constituents</p> <p>6 regarding concerns of noncitizens voting?</p> <p>7 A. I don't recall.</p> <p>8 (Straus Exhibit No. 3 was marked.)</p> <p>9 MR. GEAR: Again, I would represent for the</p> <p>10 record that this is a highly confidential document, that</p> <p>11 it appears to have come from the legislative files of</p> <p>12 Speaker Straus.</p> <p>13 Q. (BY MR. GEAR) And I'll just give you a chance</p> <p>14 to look at this.</p> <p>15 A. (Examines document.) Okay.</p> <p>16 Q. Does this help refresh your recollection as to</p> <p>17 whether or not you communicated with your constituents</p> <p>18 regarding noncitizens voting at the polls?</p> <p>19 A. It appears I did, yes.</p> <p>20 Q. And I'd direct your attention to -- actually,</p> <p>21 strike that.</p> <p>22 At the bottom of Exhibit No. 2 [sic], it</p> <p>23 has a series of -- it has a file address. Do you see</p> <p>24 that?</p> <p>25 A. Down in the corner, right corner?</p> |

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| <p style="text-align: right;">93</p> <p>1 Q. At the very bottom.</p> <p>2 A. Yeah.</p> <p>3 Q. And it's the -- capitol/texas. And it shows,</p> <p>4 reading through it, CMS/Email/2009-02-11.</p> <p>5 MR. D'ANDREA: I'm sorry, counsel.</p> <p>6 A. Oh, here.</p> <p>7 MR. D'ANDREA: I thought you said</p> <p>8 Exhibit 2. I'm sorry.</p> <p>9 A. Okay.</p> <p>10 Q. (BY MR. GEAR) Do you recognize this as coming</p> <p>11 from your files?</p> <p>12 A. I don't know.</p> <p>13 Q. Can you tell me specifically what this document</p> <p>14 is, referring to the first page?</p> <p>15 A. It's a response to someone who wrote about</p> <p>16 voter ID and voter fraud.</p> <p>17 Q. And it's prepared for your signature, correct?</p> <p>18 A. Either that or it's an e-mail response.</p> <p>19 Q. Okay. So directing your attention to</p> <p>20 paragraph 2 --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- it says, "As you are aware, state and</p> <p>23 federal law both require all voters to be citizens, but</p> <p>24 current law requires no photo identification or proof of</p> <p>25 citizenship when registering to vote or when voting. I</p> | <p style="text-align: right;">95</p> <p>1 noncitizens were voting at the polls in Texas?</p> <p>2 A. That may have been -- that may have been</p> <p>3 subject to a hearing of a committee, but I don't recall.</p> <p>4 Q. Do you recall what the results or the findings</p> <p>5 of that committee may have been?</p> <p>6 A. No.</p> <p>7 Q. Do you recall if -- during the course of</p> <p>8 consideration for voter photo ID legislation, that the</p> <p>9 topic of noncitizens voting came up during public</p> <p>10 debate?</p> <p>11 A. I imagine it did. I don't recall specifically.</p> <p>12 Q. Do you recall if legislators who supported the</p> <p>13 bill raised the concern that noncitizens may be voting</p> <p>14 at the polls?</p> <p>15 MR. D'ANDREA: Legislative privilege.</p> <p>16 You may answer under seal.</p> <p>17 A. I vaguely recall that, sure. I think it's been</p> <p>18 part of the debate.</p> <p>19 Q. (BY MR. GEAR) And do you recall if there was</p> <p>20 also private discussion regarding noncitizens possibly</p> <p>21 voting at the polls?</p> <p>22 MR. D'ANDREA: Also privileged.</p> <p>23 A. I don't recall.</p> <p>24 (Straus Exhibit No. 4 was marked.)</p> <p>25 Q. (BY MR. GEAR) I'm showing you what's been</p> |
| <p style="text-align: right;">94</p> <p>1 agree that we need to revise our current Texas voting</p> <p>2 laws to ensure that only U.S. citizens who are Texas</p> <p>3 residents are voting in our Texas elections."</p> <p>4 Do you see that?</p> <p>5 A. I do, yes.</p> <p>6 Q. Is it fair to say that you received</p> <p>7 communication from your constituents regarding concerns</p> <p>8 that noncitizens were voting at the polls?</p> <p>9 MR. D'ANDREA: Legislative privilege.</p> <p>10 You may answer under seal.</p> <p>11 A. I don't recall what the communication was that</p> <p>12 they were writing about, but I would assume that was --</p> <p>13 I would assume that's correct.</p> <p>14 Q. (BY MR. GEAR) And when you say you "agree that</p> <p>15 we need to revise our current Texas voting laws to</p> <p>16 ensure that only U.S. citizens who are Texas residents</p> <p>17 are voting in our Texas elections," what are you basing</p> <p>18 that -- that position on?</p> <p>19 A. I'm guessing that it was the no photo</p> <p>20 identification.</p> <p>21 Q. Did you have any research or analysis that</p> <p>22 would suggest that noncitizens were actually voting at</p> <p>23 the polls in Texas?</p> <p>24 A. Not that I recall.</p> <p>25 Q. Did you convene any committees to determine if</p> | <p style="text-align: right;">96</p> <p>1 marked as Exhibit No. 3, I believe. And I'll give you a</p> <p>2 chance to --</p> <p>3 THE REPORTER: 4.</p> <p>4 Q. (BY MR. GEAR) 4. And I'll give you a chance</p> <p>5 to look at that.</p> <p>6 MR. GEAR: Thank you.</p> <p>7 A. (Examines document.)</p> <p>8 Q. (BY MR. GEAR) Just let me know when you've had</p> <p>9 a chance to review it.</p> <p>10 A. (Examines document.) Okay.</p> <p>11 Q. Can you identify what this document is for me,</p> <p>12 please?</p> <p>13 A. It looks like a press release from Senator</p> <p>14 Fraser.</p> <p>15 Q. And do you recognize this to be an official</p> <p>16 press release from his office?</p> <p>17 A. It appears to be, yes.</p> <p>18 Q. And directing your attention to paragraph 4</p> <p>19 where it indicates, "I want to ensure that illegal</p> <p>20 aliens, noncitizens" and other -- "and people otherwise</p> <p>21 not qualified do not dilute the legitimate votes cast by</p> <p>22 citizens."</p> <p>23 Do you see where it says that?</p> <p>24 A. Yes, I do.</p> <p>25 Q. And not to ask you for the truth of the matter</p> |

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| <p style="text-align: right;">97</p> <p>1 asserted, but do you recall discussions similar to this</p> <p>2 taking place during debate regarding photo ID</p> <p>3 legislation?</p> <p>4 A. Not specifically, but I would imagine they did.</p> <p>5 Q. Do you recall ever responding to allegations</p> <p>6 that noncitizens may be voting at the polls?</p> <p>7 MR. D'ANDREA: Legislative privilege.</p> <p>8 You may answer under seal.</p> <p>9 A. No, I don't recall.</p> <p>10 Q. (BY MR. GEAR) Do you have an opinion as to</p> <p>11 whether or not noncitizens may have been voting at the</p> <p>12 polls?</p> <p>13 A. An opinion?</p> <p>14 Q. An opinion, yes.</p> <p>15 A. No.</p> <p>16 Q. And are you aware of any -- other than the</p> <p>17 committee that may have convened to look at the issue,</p> <p>18 are you aware of any other communications with any of</p> <p>19 the other legislators regarding this issue of</p> <p>20 noncitizens voting at the polls?</p> <p>21 MR. D'ANDREA: Also privileged.</p> <p>22 A. No.</p> <p>23 Q. (BY MR. GEAR) You may have been asked this</p> <p>24 previously by Attorney Dunn. Do you recall one of the</p> <p>25 issues being raised during the public debate that photo</p> | <p style="text-align: right;">99</p> <p>1 A. I'm not aware.</p> <p>2 Q. You talked a bit about the process how a bill</p> <p>3 comes from the Senate to the -- to the House. I don't</p> <p>4 completely understand that process. But other than the</p> <p>5 bill itself, is there any other material that comes</p> <p>6 along with the -- the transfer of -- of the bill? Does</p> <p>7 that make sense?</p> <p>8 A. It makes sense, but I'm not sure. I'm not sure</p> <p>9 what comes with a -- with a bill. I don't see anything.</p> <p>10 Q. So is the bill actually transferred</p> <p>11 electronically? Is it --</p> <p>12 A. I don't know.</p> <p>13 Q. -- walked across to the House? I mean, I don't</p> <p>14 know. Generally.</p> <p>15 A. I believe so, yeah. They're -- they're brought</p> <p>16 to us.</p> <p>17 Q. Physically? Okay.</p> <p>18 A. I think so.</p> <p>19 Q. Regarding SB14 specifically, when you receive</p> <p>20 the bill in the House, does that also include the</p> <p>21 analysis that may have been conducted?</p> <p>22 A. When we receive it? I really don't know. I</p> <p>23 never -- I never look at the physical bills when they</p> <p>24 come. You'd have to ask the clerk or others that handle</p> <p>25 that. I don't know.</p> |
| <p style="text-align: right;">98</p> <p>1 ID legislation may result in the disenfranchisement of</p> <p>2 minority voters?</p> <p>3 A. Yes.</p> <p>4 Q. And did you publicly respond to that concern in</p> <p>5 any way?</p> <p>6 A. I don't recall.</p> <p>7 Q. Did you convene any committees that would have</p> <p>8 reviewed that issue in any detail?</p> <p>9 A. Not that I remember, no.</p> <p>10 Q. Are you aware of any committees being convened</p> <p>11 that did, in fact, look at the issue of whether or not</p> <p>12 voter photo identification would -- requirements would</p> <p>13 result in the disenfranchisement of minority voters?</p> <p>14 A. No.</p> <p>15 Q. Do you recall receiving communications from</p> <p>16 constituents regarding their concern that photo ID</p> <p>17 legislation would result in the disenfranchisement of</p> <p>18 minority voters?</p> <p>19 MR. D'ANDREA: Legislative privilege.</p> <p>20 You may answer under seal.</p> <p>21 A. I don't recall.</p> <p>22 Q. (BY MR. GEAR) And so as you sit here today,</p> <p>23 are you aware of any analysis that was conducted in the</p> <p>24 House that reviewed the issue of voter photo ID</p> <p>25 legislation and its impact on minority voters?</p> | <p style="text-align: right;">100</p> <p>1 Q. Based on your knowledge --</p> <p>2 A. Uh-huh.</p> <p>3 Q. -- are you aware of whether any analysis</p> <p>4 related to SB14 was -- was sent from the Senate to the</p> <p>5 House along with the bill?</p> <p>6 A. I don't know.</p> <p>7 Q. And as you sit here today, do you recall</p> <p>8 reviewing any analysis that was conducted at the Senate</p> <p>9 level regarding SB14?</p> <p>10 A. I don't recall.</p> <p>11 Q. Who is Meredith Fowler?</p> <p>12 A. She's a member of the Speaker staff.</p> <p>13 Q. Your staff?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And did she assist you in -- in</p> <p>16 reviewing SB14 during your consideration of the bill?</p> <p>17 A. I imagine she did, yes.</p> <p>18 Q. What --</p> <p>19 A. It would have been in her portfolio.</p> <p>20 Q. I'm sorry. I missed the last part.</p> <p>21 A. I said it would have been an issue in her</p> <p>22 portfolio, yes.</p> <p>23 Q. And if you recall, do you ask -- do you recall</p> <p>24 asking her to conduct any particular tasks regarding</p> <p>25 analyzing SB14?</p> |

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| <p style="text-align: right;">101</p> <p>1 A. No.</p> <p>2 Q. Do you recall receiving any written analysis</p> <p>3 from Ms. Fowler regarding SB14?</p> <p>4 MR. D'ANDREA: Legislative privilege.</p> <p>5 You may answer under seal.</p> <p>6 I'd also like to caution that Ms. Fowler's</p> <p>7 a lawyer. So to the extent that this is -- to the</p> <p>8 extent her portfolio involves policy discussions, you</p> <p>9 may answer that under seal subject to the legislative</p> <p>10 privilege. But to the extent she's giving you legal</p> <p>11 advice, that's attorney/client protected. It sounds</p> <p>12 like we're still in policy land. So I think you can</p> <p>13 answer this under seal.</p> <p>14 A. The question?</p> <p>15 Q. (BY MR. GEAR) Do you recall receiving any</p> <p>16 analysis from Attorney Fowler regarding --</p> <p>17 A. I don't.</p> <p>18 Q. -- SB14?</p> <p>19 A. I do not.</p> <p>20 (Straus Exhibit No. 5 was marked.)</p> <p>21 Q. (BY MR. GEAR) I'm handing you what's been</p> <p>22 marked as Exhibit No. 5.</p> <p>23 MR. GEAR: And I will, again, represent</p> <p>24 that this is identified as a highly confidential</p> <p>25 document which appears to have come from the legislative</p> | <p style="text-align: right;">103</p> <p>1 Do you recall the discussions with your</p> <p>2 staff regarding the type of photo ID legislation that</p> <p>3 was likely to pass in 2011?</p> <p>4 MR. D'ANDREA: Legislative privilege.</p> <p>5 You may answer under seal.</p> <p>6 A. I don't recall.</p> <p>7 Q. (BY MR. GEAR) Can you -- can you tell me, if</p> <p>8 you recall, why there was an opinion that a straight</p> <p>9 photo ID requirement would likely pass during the -- a</p> <p>10 straight photo ID legislation would likely pass?</p> <p>11 MR. D'ANDREA: Privileged and calls for</p> <p>12 speculation.</p> <p>13 A. I don't -- I don't know. And I'm not even sure</p> <p>14 I know what a straight photo ID -- I don't know what</p> <p>15 that means.</p> <p>16 Q. (BY MR. GEAR) Would you consider SB14 a</p> <p>17 straight photo ID legislation?</p> <p>18 A. It's a photo ID, yes. I'm not sure what the --</p> <p>19 yeah. Okay, yes.</p> <p>20 Q. So on the flip side, would you consider Senator</p> <p>21 Fraser's previous 2009 bill as a non -- strike that.</p> <p>22 Senator Fraser's photo ID bill allowed both</p> <p>23 photo and non-photo ID, correct?</p> <p>24 A. I think so.</p> <p>25 Q. And would you have considered that to be a</p> |
| <p style="text-align: right;">102</p> <p>1 files of Speaker Straus.</p> <p>2 A. Uh-huh.</p> <p>3 Q. (BY MR. GEAR) And I'd direct your attention to</p> <p>4 page 2 --</p> <p>5 MR. GEAR: You can have a copy.</p> <p>6 MR. SCOTT: Thanks, Bruce.</p> <p>7 Q. (BY MR. GEAR) -- at the bottom. And before we</p> <p>8 get into this document, have you seen this document</p> <p>9 before?</p> <p>10 A. I don't recall, but I could -- could well have,</p> <p>11 probably did.</p> <p>12 Q. Do you see where it says, "as described</p> <p>13 above" -- sorry. Strike that.</p> <p>14 It's titled Elections. "Voter ID" --</p> <p>15 A. Uh-huh.</p> <p>16 Q. -- "as described above will be a big issue.</p> <p>17 However, with Republicans' super majority, I anticipate</p> <p>18 legislation passing this time."</p> <p>19 Do you see that?</p> <p>20 A. Yes, I do see it.</p> <p>21 Q. And this is referring to voter photo ID</p> <p>22 legislation?</p> <p>23 A. Yes.</p> <p>24 Q. "I think a straight photo ID requirement is the</p> <p>25 likely type of legislation that will pass this session."</p> | <p style="text-align: right;">104</p> <p>1 moderate bill?</p> <p>2 A. Compared to this, to one that requires only a</p> <p>3 photo ID?</p> <p>4 Q. Yes.</p> <p>5 A. Yes.</p> <p>6 Q. So would you agree that SB14, as passed, was</p> <p>7 more stringent than prior photo ID legislation that was</p> <p>8 proposed in both the Senate and the House?</p> <p>9 A. I think that's correct.</p> <p>10 Q. Have you ever heard discussion that SB14, as</p> <p>11 passed, was one of the most stringent bills in the</p> <p>12 country?</p> <p>13 A. I've heard it described that way, yes.</p> <p>14 Q. And do you agree with that position?</p> <p>15 A. I -- I don't know.</p> <p>16 Q. And when you say you heard it described, you've</p> <p>17 heard it described by the legislators?</p> <p>18 MR. D'ANDREA: Privileged.</p> <p>19 You may answer under seal.</p> <p>20 A. It seems that I have. I mean, I've seen it</p> <p>21 written about that way.</p> <p>22 Q. (BY MR. GEAR) Do you -- do you know why --</p> <p>23 from the 2009 bill to SB14, what -- the reason for</p> <p>24 reducing the types of allowable ID? Do you know the</p> <p>25 reason for that?</p> |

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| <p style="text-align: right;">105</p> <p>1 MR. D'ANDREA: Also privileged.</p> <p>2 A. I don't.</p> <p>3 Q. (BY MR. GEAR) Were you involved in any</p> <p>4 communications regarding the types of ID that -- that</p> <p>5 would only be allowed in SB14?</p> <p>6 MR. D'ANDREA: Also privileged.</p> <p>7 A. I don't remember.</p> <p>8 Q. (BY MR. GEAR) Did you receive any type of</p> <p>9 written documentation identifying the types of ID that</p> <p>10 would only be allowed in SB14?</p> <p>11 MR. D'ANDREA: The same assertion of</p> <p>12 privilege.</p> <p>13 A. I don't recall.</p> <p>14 Q. (BY MR. GEAR) So as you sit here today, is it</p> <p>15 fair to say you have no idea or you don't recall, more</p> <p>16 fair to the representation, why certain types of ID were</p> <p>17 included in SB14 and others were not?</p> <p>18 MR. D'ANDREA: Privileged.</p> <p>19 A. I'm sorry. I don't recall.</p> <p>20 Q. (BY MR. GEAR) Do you recall discussion during</p> <p>21 the consideration of SB14 that certain types of photo</p> <p>22 and non-photo ID may be in the possession of</p> <p>23 noncitizens?</p> <p>24 MR. D'ANDREA: Privileged.</p> <p>25 A. So what's the question again?</p> | <p style="text-align: right;">107</p> <p>1 Q. Only?</p> <p>2 A. Yes.</p> <p>3 Q. Why was that important, if you know, to pass a</p> <p>4 photo ID legislation that only allowed for photo ID?</p> <p>5 A. I don't know.</p> <p>6 Q. In 2009, the photo ID legislation offered both</p> <p>7 ID and non-photo ID. Do you have an opinion as to</p> <p>8 whether that was sufficient to prove a voter's ID at the</p> <p>9 polling place?</p> <p>10 A. An opinion?</p> <p>11 Q. Yes.</p> <p>12 A. I would -- I would think that the photo ID</p> <p>13 would be more proof.</p> <p>14 Q. And why is that? What are you basing that --</p> <p>15 that on?</p> <p>16 A. The -- the visual proof.</p> <p>17 Q. And when you say "the visual proof," can you</p> <p>18 explain that a little bit more? I'm not sure I</p> <p>19 understand what that is.</p> <p>20 A. Well, a photograph of the person.</p> <p>21 Q. So you testified previously that when you vote</p> <p>22 at the polls, you take your voter registration card. Is</p> <p>23 a voter registration card sufficient to prove someone's</p> <p>24 identity at the polls?</p> <p>25 A. It has been until --</p> |
| <p style="text-align: right;">106</p> <p>1 Q. (BY MR. GEAR) Do you recall during the</p> <p>2 consideration of SB14 that certain types of ID would not</p> <p>3 be allowed because they may be in the possession of</p> <p>4 noncitizens who may --</p> <p>5 A. No.</p> <p>6 Q. -- be voting at the polls?</p> <p>7 A. No, I don't recall.</p> <p>8 Q. Was there an intent in the legislature to make</p> <p>9 SB14 more stringent than other photo ID legislation that</p> <p>10 was proposed previously?</p> <p>11 MR. D'ANDREA: Privileged and calls for</p> <p>12 speculation that the legislature is a they, not an it.</p> <p>13 Q. (BY MR. GEAR) Well, it or they. You can</p> <p>14 answer.</p> <p>15 A. You'd have to talk to the bill author. I don't</p> <p>16 know.</p> <p>17 Q. When reviewing Exhibit No. 5 --</p> <p>18 A. Uh-huh.</p> <p>19 Q. -- and looking at the language "straight photo</p> <p>20 ID requirement" --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- what do you think that meant?</p> <p>23 A. I guess after our discussion here, in comparing</p> <p>24 it to other bills, it's -- it's a voter -- it's an ID</p> <p>25 requirement for a photo ID.</p> | <p style="text-align: right;">108</p> <p>1 Q. The passage --</p> <p>2 A. -- now.</p> <p>3 Q. "Now" meaning the passage of SB14?</p> <p>4 A. That's correct, yeah.</p> <p>5 Q. Before I get into my questions, do you need to</p> <p>6 take a break at all, or are you --</p> <p>7 A. I could -- I could take a --</p> <p>8 Q. Sure.</p> <p>9 A. -- very short one.</p> <p>10 MR. GEAR: Yeah, why don't we do that.</p> <p>11 (Recess from 11:30 a.m. to 11:41 a.m.)</p> <p>12 (Straus Exhibit No. 6 was marked.)</p> <p>13 Q. (BY MR. GEAR) So I've handed you what's been</p> <p>14 marked as Exhibit No. 6, and I'll give you a chance to</p> <p>15 look at that.</p> <p>16 MR. GEAR: And again, I'll represent that</p> <p>17 this is a highly confidential document that appears to</p> <p>18 have come from the -- well, a highly confidential</p> <p>19 document.</p> <p>20 A. (Examines document.)</p> <p>21 MR. D'ANDREA: Counsel, I don't know who it</p> <p>22 comes from, but one of the -- that -- especially that</p> <p>23 first paragraph, the last sentence of it, starts to feel</p> <p>24 like legal advice.</p> <p>25 MR. GEAR: The first paragraph, last</p> |

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| <p style="text-align: right;">109</p> <p>1 sentence?</p> <p>2 MR. D'ANDREA: "... Supreme Court's</p> <p>3 approval of Indiana's photo ID law and the DOJ's</p> <p>4 approval" --</p> <p>5 THE REPORTER: I'm sorry. Can you slow</p> <p>6 down, please?</p> <p>7 MR. D'ANDREA: I'm sorry.</p> <p>8 "... likely to be upheld under both</p> <p>9 constitutional review and Section 5 Voting Act Review,"</p> <p>10 it looks like it could be attorney/client communication.</p> <p>11 I can't tell who it came from or who it's to.</p> <p>12 MR. GEAR: And unfortunately, I don't know</p> <p>13 either.</p> <p>14 MR. D'ANDREA: I know. I mean, it --</p> <p>15 MR. GEAR: Well, I guess the question is,</p> <p>16 how do you want to proceed on this particular document?</p> <p>17 MR. SCOTT: Well, it's highly confidential,</p> <p>18 so the whole line of questioning is all going to be</p> <p>19 under seal anyway. So subject to that, I think --</p> <p>20 Arthur, it's you-all's call whether you</p> <p>21 want to go --</p> <p>22 MR. D'ANDREA: Yeah, typically we have --</p> <p>23 we have instructed not to answer for attorney/client,</p> <p>24 but as long as you will not construe it as a waiver of</p> <p>25 all other attorney/client communication, then I'm happy</p> | <p style="text-align: right;">111</p> <p>1 Q. Do you see at the top where it says, "SB14</p> <p>2 would give Texas arguably the strictest photo ID law in</p> <p>3 the country"?</p> <p>4 A. I do.</p> <p>5 Q. And again, is it your understanding that SB14</p> <p>6 was arguably the strictest photo ID law in the country?</p> <p>7 A. Is it my understanding? Yes.</p> <p>8 Q. And just running through the middle of the page</p> <p>9 quickly, Substantive Provisions, "A voter must present</p> <p>10 an acceptable photo ID on election day."</p> <p>11 Do you see where it says that?</p> <p>12 A. No. Where is it?</p> <p>13 Q. The middle of the page --</p> <p>14 A. Oh, yes.</p> <p>15 Q. -- the first page.</p> <p>16 A. Yes, uh-huh. Yep.</p> <p>17 Q. Is it your understanding that SB14, under the</p> <p>18 provisions of SB14, a Texas driver's license cannot be</p> <p>19 expired more than 60 days?</p> <p>20 A. Yes.</p> <p>21 Q. And that an ID card issued by DPS cannot be</p> <p>22 expired more than 60 days?</p> <p>23 A. Yes.</p> <p>24 Q. Do you have any understanding of what type of</p> <p>25 military IDs are allowed under SB14?</p> |
| <p style="text-align: right;">110</p> <p>1 to proceed under seal.</p> <p>2 MR. GEAR: I will agree.</p> <p>3 MR. D'ANDREA: Thank you.</p> <p>4 Q. (BY MR. GEAR) So for the record, let's just</p> <p>5 make this clear. You're looking at Exhibit No. 6, which</p> <p>6 is identified as "Voter ID Bill Summary SB14 (82R</p> <p>7 engrossed.)"</p> <p>8 Have you seen this document before?</p> <p>9 A. I don't recall seeing it.</p> <p>10 Q. Can you tell me what this document is?</p> <p>11 A. It's a voter ID bill summary.</p> <p>12 Q. And is this something that you would usually</p> <p>13 receive or review in your course of regular business?</p> <p>14 A. I wouldn't say -- I wouldn't -- it's possible.</p> <p>15 Q. Do you know who prepares bill summaries?</p> <p>16 A. No. On this, I would think Meredith Fowler</p> <p>17 would if this came -- is this -- this is from my office?</p> <p>18 Q. I don't want to make that representation. Do</p> <p>19 you --</p> <p>20 A. Yeah.</p> <p>21 Q. -- recognize this as coming from your office?</p> <p>22 A. I don't. But it certainly could be.</p> <p>23 Q. Is it possible that this was prepared by</p> <p>24 Meredith Fowler as your --</p> <p>25 A. I would -- I would think it would be possible.</p> | <p style="text-align: right;">112</p> <p>1 A. I do not.</p> <p>2 Q. Do you -- are you familiar with the provisions</p> <p>3 of SB14 as it applies to passports?</p> <p>4 A. No.</p> <p>5 Q. Do you know what type of U.S. citizenship</p> <p>6 documents are allowed under SB14?</p> <p>7 A. I don't.</p> <p>8 Q. And a CHL -- do you know what a CHL is?</p> <p>9 A. Yes.</p> <p>10 Q. And what is a CHL?</p> <p>11 A. It's the concealed handgun license.</p> <p>12 Q. Do you know what the provisions of SB14 say</p> <p>13 related to a handgun license?</p> <p>14 A. I think they're allowed as a form of photo ID.</p> <p>15 Q. And is it your understanding that they cannot</p> <p>16 be expired more than 60 days?</p> <p>17 A. That's what this says, yes.</p> <p>18 Q. Now, here, it -- below that, it talks about</p> <p>19 Exception 1, "A voter who is 70 years or older on</p> <p>20 January 1st, 2012, need only present a voter</p> <p>21 registration card on election day."</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Is that your understanding of what SB14 allows?</p> <p>25 A. Yes.</p> |

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| <p style="text-align: right;">113</p> <p>1 Q. Exception No. 2, "A voter who is disabled and 2 has provided a physician certification of the" need -- 3 did I read that right? Strike that. 4 Exception No. 2, "A voter who is disabled 5 and has provided a physician certification of the 6 disability to the registrar and received a registration 7 card marked 'Photo ID not required' need only present 8 the registration card on election day." 9 Do you know, as you sit here today, whether 10 or not a person is allowed to present a physician 11 certification to qualify under the provisions of SB14? 12 A. I don't know. I'm just reading from the 13 summary, but I would assume that's the case. 14 Q. Do you know -- if I represented to you that a 15 physician certification was removed from the language of 16 SB14, would that help refresh your recollection? 17 A. I don't have a recollection of it. 18 Q. Were you involved in any communications 19 regarding disability exemptions related to SB14? 20 A. I was not. 21 Q. Were you involved in any communications related 22 to indigency and SB14? 23 A. No. 24 Q. Do you know if the indigency provisions remain 25 or were removed from SB14?</p> | <p style="text-align: right;">115</p> <p>1 whether state employee IDs should be used, you responded 2 you're not sure why it would not be allowed. 3 Can you elaborate on why you think state 4 employee IDs should not be prohibited from being used to 5 confirm identification at the pole? 6 A. Just my personal opinion. I don't know why a 7 government ID would not be sufficient. 8 Q. Is it fair to say that you think that Texas 9 agencies, for example, the Texas attorney general's 10 office, has sufficient procedures in place to ensure 11 that an ID is only given to a person whose picture is on 12 it? 13 A. I would think so. 14 Q. So you would have no problem if somebody from, 15 say, the Texas Department of Agriculture, went to a 16 pole, showed their state ID; that should be allowed for 17 an individual to prove their -- who they are? 18 A. I would have no problem with that. 19 Q. You also said you -- I believe you would have 20 no problem with a federal employee identification card 21 being used by an individual at the pole. Is that 22 correct? 23 A. I think I said that, yes. 24 Q. So if, for instance, a U.S. attorney based here 25 in Austin or in Houston wanted to go vote and they used</p> |
| <p style="text-align: right;">114</p> <p>1 A. I don't recall. 2 Q. Are you familiar with the provisions of SB14 as 3 it relates to substantially similar names? 4 A. No, I'm not. 5 Q. Are you aware of any communications with either 6 your staff or other legislators related to the issue of 7 substantially similar names? 8 A. I'm not. 9 Q. Are you familiar or do you know what the 10 criminal penalties were related to voter fraud prior to 11 the implementation of SB14? 12 A. I don't recall. 13 MR. GEAR: I believe at this point, I'll 14 pass the witness. 15 EXAMINATION 16 BY MR. SHORDT: 17 Q. Speaker, for the record, I'm Richard Shordt. 18 I'm representing Texas League of Young Voters Education 19 Fund group. With me is Zoe Jones, a summer associate at 20 our firm WilmerHale. 21 I want to go back a couple hours ago in the 22 deposition, if you remember that far. Mr. Dunn asked 23 you a few questions about the use of various IDs 24 pertaining to voting and confirming identification at 25 the poles. And earlier in response to a question about</p> | <p style="text-align: right;">116</p> <p>1 their federal employee identification, that should be 2 sufficient for proving their identification at the pole? 3 A. In my personal opinion. 4 Q. Do you know why state employee IDs and federal 5 employ IDs are not allowed under SB14? 6 MR. D'ANDREA: Objection; calls for 7 speculation. 8 A. I do not know. 9 Q. (BY MR. SHORDT) Did you have any conversations 10 with any senators or representatives during the debate 11 over SB14 as to why federal or state employee IDs are 12 not allowed to be -- or are not included in SB14? 13 MR. D'ANDREA: Legislative privilege. The 14 witness may answer under seal. 15 A. No, I did not. 16 MR. SHORDT: I take exception to the 17 question of whether -- or whether he has waived or not 18 waived that privilege. He answered the questions 19 earlier, I thought, with respect to conversations. 20 MR. D'ANDREA: The record will . . . 21 Q. (BY MR. SHORDT) Now, you said also you would 22 not have a problem with student IDs with photos on it 23 from Texas universities or colleges being sufficient 24 identification for SB14 purposes. Is that correct? 25 A. I'm not an expert in ID accuracy or</p> |

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| <p style="text-align: right;">117</p> <p>1 verification, but I wouldn't see a problem. I don't 2 know of a problem with that. 3 Q. So you don't know of student IDs ever being 4 used for fraudulent purposes for voting in any election 5 in Texas? 6 A. I'm not aware of that. 7 Q. Do you -- are you aware of any analysis that 8 has ever been undertaken to that effect? 9 A. I'm not. 10 Q. Are you aware that this was a talking point 11 used during debate on SB14 that student IDs could be 12 forged? Do you recall any discussions on that point? 13 A. I don't recall that. 14 (Straus Exhibit No. 7 was marked.) 15 MR. SHORDT: Is that Exhibit 7? 16 THE REPORTER: 7, yes. 17 MR. D'ANDREA: I'd like to note for the 18 record this is marked highly confidential. 19 Q. (BY MR. SHORDT) Can you please tell me -- have 20 you seen what has been marked as Exhibit 7? And it is 21 highly confidential, as identified by Mr. D'Andrea. 22 A. It doesn't look familiar. They may have shown 23 it to me, but I didn't read it. 24 Q. Do you know who prepared it? 25 A. No, I don't know. Meredith, I assume. But I</p> | <p style="text-align: right;">119</p> <p>1 "public or private college ID cards to attract 2 democratic support" -- 3 MR. SHORDT: I'll ask the question again. 4 We'll move closer to you. 5 THE REPORTER: Okay, great. 6 (Briefly off the record.) 7 Q. (BY MR. SHORDT) I'll ask the question again. 8 Sorry. 9 Do you know if -- which Republican 10 senators, representatives may have floated the idea of 11 including student IDs in SB14 to attract their support 12 for the legislation? 13 A. I don't -- 14 MR. D'ANDREA: Privileged. 15 A. I don't know. 16 Q. (BY MR. SHORDT) Do you know which Republican 17 legislators in the House or the Senate who may have been 18 particularly opposed to allowing photo IDs be included 19 in SB14? 20 MR. D'ANDREA: Also privileged. 21 You may answer. 22 A. Ask it again. 23 Q. (BY MR. SHORDT) Are there any Republicans on 24 the House or Senate side who may have been particularly 25 opposed to allowing student IDs be included in SB14?</p> |
| <p style="text-align: right;">118</p> <p>1 don't recognize the writing. 2 Q. Can you read the top line for me, please? 3 A. "New," and then in parentheses, "for Dem 4 support." 5 Q. You see Item No. 2 listed? 6 A. Uh-huh. 7 Q. It says "63.0101(a)(6)" -- 8 A. Yes. 9 Q. -- "allows public or private," underlined, 10 "college ID cards"? 11 A. Yes. 12 Q. Did you have any conversations with democratic 13 representatives or senators who are seeking to gain 14 support for voter ID legislation by returning IDs that 15 are acceptable photo IDs for voting? 16 MR. D'ANDREA: Privileged. 17 You may answer under seal. 18 A. No. 19 Q. (BY MR. SHORDT) Do you know which Republicans 20 in the House or Senate may have floated the idea to 21 include public or private college ID cards to attract 22 democratic support -- 23 THE REPORTER: I'm sorry. 24 MR. SHORDT: Sorry. 25 THE REPORTER: The end of the question,</p> | <p style="text-align: right;">120</p> <p>1 A. I don't know. 2 (Straus Exhibit No. 8 was marked.) 3 THE REPORTER: Number 8. 4 MR. D'ANDREA: I'd like to note for the 5 record that this is also designated confidential. 6 MR. SHORDT: This is Exhibit 8? 7 THE REPORTER: Yes. 8 Q. (BY MR. SHORDT) Speaker Straus, have you seen 9 this document, this confidential document that has been 10 labeled Exhibit 8 before? 11 A. Doesn't look familiar to me, no. 12 Q. Do you know who prepared it? 13 A. No, I don't. 14 Q. Do you recall during SB14 any debate on the 15 floor or in committee pertaining to whether or not 16 student IDs should be allowed to be included in SB14? 17 A. I don't recall. 18 Q. Did you have any discussions with 19 representatives about an amendment to SB14 offered on 20 the floor as to whether a student ID should be 21 permitted? 22 A. I don't recall having one, no. 23 MR. D'ANDREA: Privileged before. 24 THE WITNESS: Sorry. 25 MR. D'ANDREA: No, that's fine.</p> |

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| <p style="text-align: right;">121</p> <p>1 Q. (BY MR. SHORDT) Do you see where it states 2 that -- and this will be line -- sorry, the third 3 bullet -- "There is no assurance to the State that the 4 persons who process student IDs are capable of providing 5 the same type of security in issuing those IDs as the 6 state or federal government would be in the types 7 discussed in SB14"?</p> <p>8 A. I see that, yes.</p> <p>9 Q. Do you agree with that statement?</p> <p>10 A. I don't know enough to agree or disagree.</p> <p>11 Q. Earlier didn't you say, though, that you had no 12 problem with including student IDs?</p> <p>13 A. Yeah, but also, I'm not an expert in security 14 of ID production.</p> <p>15 Q. Did anybody -- or strike that. 16 Was there any discussion during SB14 17 debate, any analysis provided, any report provided 18 addressing the sufficiency of student ID preparation at 19 Texas colleges and universities?</p> <p>20 A. I don't know.</p> <p>21 Q. Did you ask for that?</p> <p>22 MR. D'ANDREA: Privileged.</p> <p>23 A. I did not ask for it, no.</p> <p>24 Q. (BY MR. SHORDT) If you could look at bullet 25 No. 1. Do you see where it says, "There is no</p> | <p style="text-align: right;">123</p> <p>1 state drivers' licenses or state personal IDs with 2 respect to forging of them in Texas?</p> <p>3 A. No, I'm not.</p> <p>4 Q. And when I say that, during -- during debate on 5 SB14, there was no evidence presented to that effect?</p> <p>6 A. I don't recall.</p> <p>7 Q. The bullet above that states, "Students should 8 have the types of documents needed to procure a driver's 9 license or ID card for attending their institution." A 10 sub-bullet, "Birth certificate, DL," which I believe is 11 driver's license, "social security card, etc."</p> <p>12 Do you agree with this statement?</p> <p>13 A. Do I agree with it?</p> <p>14 Q. Correct.</p> <p>15 A. I don't see -- for a student ID?</p> <p>16 Q. Correct.</p> <p>17 A. I don't -- I don't -- I don't see a problem 18 there.</p> <p>19 Q. Was any evidence presented, any analysis 20 undertaken, to determine if Texas college students do in 21 fact have the necessary documents to prepare a driver's 22 license or ID card for attending an institution?</p> <p>23 A. I don't recall.</p> <p>24 Q. I direct your attention to the bullet that 25 reads, "Students are still eligible to vote absentee in</p> |
| <p style="text-align: right;">122</p> <p>1 uniformity amongst Texas institutions of higher 2 education for making student IDs"? Second bullet -- 3 sub-bullet, I'm sorry, "Some do not have expiration 4 dates"?</p> <p>5 A. Okay. I see it, yes.</p> <p>6 Q. Do you know why an expiration date of an ID 7 would prove or disprove that an individual in the 8 picture was not the person whose name was on the ID?</p> <p>9 A. No.</p> <p>10 Q. Do you know why -- why an individual -- do you 11 know why photo IDs, under SB14, must have an expiration 12 date?</p> <p>13 A. I don't.</p> <p>14 Q. If I can direct your attention to the fifth 15 bullet, blocked bullet. It says, "Ease of forging 16 student IDs." Are you aware of any analysis conducted 17 or reports provided on whether -- or on forging of 18 student IDs in Texas?</p> <p>19 A. No. I only have two daughters. No, I don't -- 20 I don't know.</p> <p>21 Q. Hopefully they're not forging student IDs.</p> <p>22 A. I hope not.</p> <p>23 Q. Or any other IDs.</p> <p>24 A. I hope not.</p> <p>25 Q. Are you aware of any analysis or reports of</p> | <p style="text-align: right;">124</p> <p>1 their home precinct."</p> <p>2 Can a student vote absentee if their home 3 precinct is the same county where the university is 4 located?</p> <p>5 A. Say that again.</p> <p>6 Q. Can a student vote absentee ballot if their 7 home precinct or home district is in the county where 8 the university is located?</p> <p>9 A. I don't know. I don't know why not.</p> <p>10 Q. Can a student -- can an individual who is in 11 the county on the day of an election vote absentee 12 ballot?</p> <p>13 A. Oh, oh, oh.</p> <p>14 Q. Sorry. Let me rephrase the first question.</p> <p>15 A. Give me an example, yeah.</p> <p>16 Q. So let's assume that a student is from Travis 17 County and attends U.T.</p> <p>18 MR. D'ANDREA: And is under 65.</p> <p>19 Q. (BY MR. SHORDT) And is under 65.</p> <p>20 A. Okay.</p> <p>21 Q. So a 22-year-old student, for example. Can 22 they vote absentee in the general election if they're in 23 Travis County on the day of the election?</p> <p>24 A. Can they vote absentee on the day --</p> <p>25 Q. Can they vote absentee in the election if they</p> |

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| <p style="text-align: right;">125</p> <p>1 are going to be in the county on the day of the 2 election?</p> <p>3 A. Absentee or early vote?</p> <p>4 Q. Absentee.</p> <p>5 A. I don't know the answer.</p> <p>6 Q. Do you know, was a study conducted to determine 7 how many students in Texas do not posses an SB14 valid 8 identification?</p> <p>9 A. I don't know.</p> <p>10 Q. Would you agree there are probably thousands of 11 Texas college students from the same county where their 12 college or university is located?</p> <p>13 MR. D'ANDREA: Objection; assumes facts not 14 in evidence, calls for speculation.</p> <p>15 Q. (BY MR. SHORDT) You can answer.</p> <p>16 MR. D'ANDREA: You can answer.</p> <p>17 A. I would think so.</p> <p>18 Q. (BY MR. SHORDT) The last bullet on this page 19 says, quote, allowing this type of identification would 20 only cause confuse -- probably means cause to confuse -- 21 pole workers because there are so many types.</p> <p>22 Do you know if there is training for pole 23 workers in Texas?</p> <p>24 A. I think so. I think there is, yes.</p> <p>25 Q. Do you know how many types of IDs Texas pole</p> | <p style="text-align: right;">127</p> <p>1 Wednesday, March 23rd, 2011. The entire journal is, I 2 think, a couple hundred pages long, so I have just a few 3 pages that I want to ask you about.</p> <p>4 A. Okay.</p> <p>5 Q. Can you turn to what is the second page of the 6 document at the top that's labeled page 969?</p> <p>7 A. Okay. And say what?</p> <p>8 Q. I want to direct your attention to Amendment 9 No. 15. It states, "Representative Martinez offered the 10 following amendment . . ."</p> <p>11 A. Okay.</p> <p>12 Q. And do you -- if you could read this section 13 and let me know what this amendment says in Section 3, 14 please.</p> <p>15 A. (Examines document.) You want me to read 16 the -- tell me again. What do you want me to do?</p> <p>17 Q. Section 3 -- and feel free to paraphrase. Can 18 you tell me what the purpose of Section 3, what the 19 purpose of this amendment was, what it adds?</p> <p>20 A. (Examines document.) That a fee may not be 21 charged for an ID.</p> <p>22 Q. Do you understand this amendment to mean that a 23 fee will not be charged for the -- for obtaining any 24 documents that can be used for an individual to obtain 25 an ID that is permissible to vote under SB14?</p> |
| <p style="text-align: right;">126</p> <p>1 workers may see in any given election?</p> <p>2 A. I don't.</p> <p>3 Q. Do you know how many types of -- different 4 types of military IDs there are?</p> <p>5 A. How many types of --</p> <p>6 Q. Different types of military IDs that are --</p> <p>7 A. No, I don't -- I don't know.</p> <p>8 Q. Do you know how many Texas universities and 9 colleges there are?</p> <p>10 A. I should, but I don't.</p> <p>11 Q. To your knowledge, is there any evidence that 12 suggests that student IDs have ever been used to commit 13 voter fraud in any election in Texas?</p> <p>14 A. I'm not aware.</p> <p>15 Q. Have you ever asked for that information?</p> <p>16 A. No.</p> <p>17 Q. Have you ever had conversations with other 18 members or senators who have discussed that?</p> <p>19 MR. D'ANDREA: Privileged.</p> <p>20 A. No, I haven't.</p> <p>21 (Straus Exhibit No. 9 was marked.)</p> <p>22 Q. (BY MR. SHORDT) I'm showing you what's been 23 marked as Exhibit No. 9. And I will represent it is an 24 excerpt of the House Journal from the 82nd Texas 25 legislature regular session proceedings that occurred on</p> | <p style="text-align: right;">128</p> <p>1 A. That -- that's what I would think it says, yes.</p> <p>2 Q. And earlier I believe you said -- you testified 3 that an election identification certificate was created 4 in SB14 so an individual could get, free of charge, a 5 photo ID to vote pursuant to SB14. Is that correct?</p> <p>6 A. I thought so.</p> <p>7 Q. Do you understand that this amendment would 8 allow an individual seeking to get a birth certificate 9 or another identification -- another form of 10 identification's underlying document needed in order to 11 obtain an election identification certificate?</p> <p>12 A. I assume that's what it says, yeah.</p> <p>13 Q. Do you recall just -- do you recall any debate 14 on Amendment No. 15 when SB14 -- I'm sorry --</p> <p>15 A. Not specifically, but I'm sure there was.</p> <p>16 THE REPORTER: Can you ask the question 17 again?</p> <p>18 Q. (BY MR. SHORDT) Do you recall debate on 19 Amendment No. 15 when SB14 was debated?</p> <p>20 A. I don't.</p> <p>21 Q. And does the record reflect here that this 22 amendment was tabled?</p> <p>23 A. Yes.</p> <p>24 Q. And does "tabled" mean that it did not pass?</p> <p>25 A. That's correct.</p> |

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| <p style="text-align: right;">129</p> <p>1 Q. So is it fair to say that this amendment did 2 not pass and, as a result, individuals still are 3 required to pay fees in order to obtain documents that 4 they may need to obtain an election identification 5 certificate? 6 MR. D'ANDREA: Objection; misstates the 7 evidence in the record. 8 MR. SCOTT: Objection; form, 9 mischaracterization of the evidence. 10 Q. (BY MR. SHORDT) You can answer. 11 A. Well, it says that this amendment failed. 12 Q. I'll re-ask the question. "This amendment 13 failed" means that -- strike that. 14 Was there any amendment that passed, any 15 amendment to SB14 that passed that permitted a waiver of 16 fees for obtaining documents necessary to get an 17 election identification certificate? 18 A. I don't know. 19 Q. If an election identification certificate being 20 free is a reason that SB14 is compliant with the Voting 21 Rights Act, why should the underlying documents not be 22 free? 23 MR. SCOTT: Objection; form, vague. 24 You can answer, if you can. 25 A. I don't -- I don't know why they shouldn't be.</p> | <p style="text-align: right;">131</p> <p>1 MR. SCOTT: Objection; form, foundation. 2 Q. (BY MR. SHORDT) If you think there's a 3 distinction, then you can -- 4 A. I do. I think there's a distinction, 5 personally. It's just my opinion. 6 Q. Okay, for replacement? 7 A. I think for replacement, I think -- I don't 8 think you should have -- I think you should have to pay 9 for it. 10 Q. And if they did not have a birth certificate? 11 A. Then that may be a different matter. But I 12 don't know who doesn't have one. 13 Q. Do you believe that everybody in Texas has a 14 birth certificate? 15 MR. SCOTT: Objection; form, foundation. 16 A. I don't -- I don't know how -- I don't know how 17 other states deal with birth certificates or how that 18 works. 19 Q. (BY MR. SHORDT) Do you believe that every 20 person born in the state of Texas was issued a birth 21 certificate when they were born? 22 A. I would doubt that everyone, no. But I don't 23 know. I don't know how that works. 24 Q. Do you -- one second. 25 So just to be clear, I want to make sure I</p> |
| <p style="text-align: right;">130</p> <p>1 Q. (BY MR. SHORDT) Do you think they should be? 2 MR. SCOTT: Objection; form. 3 A. To be in compliance with the Voting Rights Act? 4 Q. (BY MR. SHORDT) In general, do you think that 5 if an individual wants to obtain an EIC and they do not 6 posses, for example, a birth certificate, should that 7 person have to pay for a birth certificate in order to 8 get a free election identification certificate to vote 9 under SB14? 10 A. I really don't know. I don't know -- I don't 11 know what a -- what the cost of a birth certificate is. 12 Q. At the time, I can represent to you I believe 13 the cost of a birth certificate was \$22 when SB14 was 14 passed. 15 Would an individual who did not have the 16 requisite photo identification to vote under SB14 have 17 to pay \$22 to get a birth certificate in order to then 18 get what is deemed to be a free election identification 19 certificate in order to vote? 20 MR. SCOTT: Objection; form, foundation. 21 Q. (BY MR. SHORDT) You can answer. 22 A. I guess a matter of opinion. I don't -- is 23 this for a replacement birth certificate or somebody 24 that doesn't have one? 25 Q. For either.</p> | <p style="text-align: right;">132</p> <p>1 understand your answer. You don't know if every person 2 born in the state of Texas -- is it your -- 3 MR. D'ANDREA: Objection; asked and 4 answered. 5 MR. SCOTT: I thought you were finished 6 with the question. 7 Q. (BY MR. SHORDT) I will restate the question. 8 Is it your testimony that you do not know 9 if an individual born in Texas is issued a birth 10 certificate? 11 A. I would assume they should be. 12 Q. Do you have any reason to believe that there 13 are individuals in Texas -- 14 A. I don't. 15 Q. -- who do not have birth certificates? 16 A. I don't. I don't know anything about it. 17 Q. You don't know anything about it? 18 A. I don't know how birth certificates are -- are 19 issued. 20 Q. Do you know what the unemployment rate in Texas 21 was when SB14 was debated in 2011? 22 A. No, I don't. 23 Q. Do you know what the average poverty level was 24 in Texas in 2011? 25 A. I don't.</p> |

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| <p style="text-align: right;">133</p> <p>1 Q. Do you know what the minimum wage was in Texas 2 in 2011 when SB14 was debated? 3 A. I don't recall. 4 Q. Do you understand that -- let me ask this. 5 You said earlier you had not read or 6 analyzed any of the -- the opinions issued with respect 7 to Texas vs. Holder. Is that right? 8 A. That's correct. 9 Q. Did you read or review any -- the Crawford vs. 10 Marion County Supreme Court opinion? 11 A. No. 12 Q. Are you aware that that Supreme Court case 13 requires states to undertake a burden analysis when 14 passing photo identification laws to vote? 15 MR. SCOTT: Objection; form, foundation, 16 mischaracterization. 17 Q. (BY MR. SHORDT) You can answer. 18 A. No. 19 Q. What do you think -- how would you define a 20 burden, economic burden, on an individual to vote in 21 Texas? 22 A. I wouldn't know how to define it. 23 Q. Do you think that requiring an individual to 24 pay \$22 to get a birth certificate in order to get a 25 free election identification certificate constitutes a</p> | <p style="text-align: right;">135</p> <p>1 location from your House? 2 A. The early voting or the same day -- or the 3 election-day voting. 4 Q. We'll start with early voting. 5 A. Closest one is probably, I'd guess, within 6 2 miles, within 3 miles. 7 Q. And what about same day? 8 A. Oh, it's within -- within a mile and a half. 9 Q. And I apologize if you asked -- if Mr. Dunn 10 asked this question earlier, but how far is the driver's 11 license bureau from your home? 12 A. Well, I don't know where the closest one is 13 anymore. I'd say probably, I'm guessing, 6 or 7 miles 14 maybe. 15 Q. Do you drive when you go to get -- to get your 16 driver's license renewed? 17 A. Yes. 18 Q. Are there counties in Texas where the driver's 19 license office might be more than 50 miles from where an 20 individual lives? 21 A. I would assume so, yes. 22 Q. Do you know what the average gallon of gas 23 costs right about now? 24 A. Average? 25 Q. Yeah.</p> |
| <p style="text-align: right;">134</p> <p>1 burden on their right to vote? 2 MR. SCOTT: Objection; form, 3 mischaracterization of the evidence. 4 A. It could be. 5 Q. (BY MR. SHORDT) Can you elaborate? What do 6 you mean "it could be"? 7 A. Well, could it be a burden, yes, it could be a 8 burden. 9 Q. In what way? 10 A. To pay money. 11 Q. Do you know -- do you know how many Texans use 12 public transportation? 13 A. I don't. 14 Q. I assume the answer is true, isn't that in 2011 15 when SB14 was debated? 16 THE REPORTER: I'm sorry. Can you 17 repeat it again? 18 A. I don't -- I don't know the answer. 19 THE REPORTER: Can you repeat the question 20 again? 21 Q. (BY MR. SHORDT) I assume that that is the same 22 answer as to when SB14 was debated in 2011. 23 THE REPORTER: And your answer? 24 A. I don't know. 25 Q. (BY MR. SHORDT) How far is your polling</p> | <p style="text-align: right;">136</p> <p>1 A. Well over \$3. 2 Q. So if you were to drive 100 miles round-trip 3 from your home to the driver's license bureau, get an ID 4 and return, that would cost 10 or 15 dollars, probably? 5 MR. SCOTT: Objection; form, relevance. 6 Q. (BY MR. SHORDT) You can answer. 7 A. How many miles? 8 Q. Say 100 miles round-trip. 9 A. Wouldn't cost me that much. But it depends on 10 the car you drive, I suppose. 11 Q. Would it cost more than \$5? 12 A. Oh, yeah. 13 Q. When -- do you think that it's a burden -- you 14 mentioned earlier that you waited longer than you wanted 15 to in the driver's license line, about an hour, to get a 16 driver's license. 17 Are you aware of any studies that have 18 analyzed driver's license bureau wait times? 19 A. I vaguely recall there were some done, but I 20 don't -- I don't remember them. 21 Q. You don't remember specifics of what the wait 22 time might be? 23 A. I don't. 24 Q. How long do you think a wait time at a -- to 25 get your driver's license should be? What's reasonable?</p> |

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| <p style="text-align: right;">137</p> <p>1 Certainly less than an hour. Would two hours be 2 unreasonable?</p> <p>3 MR. SCOTT: Objection; form, foundation.</p> <p>4 Q. (BY MR. SHORDT) You can answer.</p> <p>5 A. Two hours be unreasonable?</p> <p>6 Q. Correct.</p> <p>7 A. It would be unfortunate, yes.</p> <p>8 Q. Would it be unreasonable?</p> <p>9 MR. SCOTT: Objection; form, foundation.</p> <p>10 A. I think it's unnecessary.</p> <p>11 Q. (BY MR. SHORDT) Do you think that -- if an 12 individual had to pay for a 100-mile round-trip drive to 13 the driver's license bureau after having paid up to \$22 14 for a birth certificate to get what is a free election 15 identification certificate, would you consider that to 16 be a burden?</p> <p>17 MR. D'ANDREA: Objection; mischaracterizes 18 the record.</p> <p>19 MR. SCOTT: Objection; form, foundation.</p> <p>20 Q. (BY MR. SHORDT) You can answer.</p> <p>21 A. Would it be a burden?</p> <p>22 Q. Earlier you testified --</p> <p>23 A. It would be an expense, yes. It would be 24 expensive --</p> <p>25 Q. Earlier you testified -- sorry to cut you off.</p> | <p style="text-align: right;">139</p> <p>1 excess of two hours?</p> <p>2 A. I don't know.</p> <p>3 Q. But you have heard of waiting at an election -- 4 or waiting in line in order to vote at election time?</p> <p>5 A. Yes.</p> <p>6 Q. Do you think that it's a burden for an 7 individual who might -- do you think it's a burden for 8 an individual to have to wait longer than one hour to 9 vote?</p> <p>10 MR. SCOTT: Objection; form, foundation, 11 vague.</p> <p>12 A. Yes.</p> <p>13 Q. (BY MR. SHORDT) Are you aware or do you know 14 if minorities in Texas constitute the majority of 15 individuals who live at or below the poverty line?</p> <p>16 A. I think that's probably correct.</p> <p>17 Q. What's the basis of your understanding?</p> <p>18 A. Just recollection of seeing that information.</p> <p>19 Q. Do you recall if -- if the relative poverty 20 level of minorities in Texas was addressed during the 21 SB14 debate?</p> <p>22 A. I don't recall.</p> <p>23 Q. Have you ever asked for that information?</p> <p>24 A. No.</p> <p>25 Q. Have you discussed that with other members or</p> |
| <p style="text-align: right;">138</p> <p>1 Earlier you testified that there could be 2 different burdens on an individual. If a person was 3 below the poverty line, would paying for gas for that 4 round-trip and would paying for an underlying document 5 for an election identification certificate constitute a 6 burden, in your mind?</p> <p>7 MR. SCOTT: Objection; form, asked and 8 answered.</p> <p>9 A. Yes.</p> <p>10 Q. (BY MR. SHORDT) Do you know how long the lines 11 are to -- strike that.</p> <p>12 Are you aware of any analysis or reports 13 addressing wait times at polling locations in Texas?</p> <p>14 A. No.</p> <p>15 Q. Do you understand -- or are you aware of any 16 instances where individuals will have to wait in excess 17 of one hour to vote?</p> <p>18 A. Heard of that, yes.</p> <p>19 Q. Can you tell me where -- when you heard about 20 that?</p> <p>21 A. No. Just news reports. I haven't had to wait 22 an hour.</p> <p>23 Q. Would those have been recent elections?</p> <p>24 A. I don't remember.</p> <p>25 Q. Do you know if there were waits at poles in</p> | <p style="text-align: right;">140</p> <p>1 senators?</p> <p>2 MR. D'ANDREA: Privileged.</p> <p>3 A. I don't recall discussing it, no.</p> <p>4 Q. (BY MR. SHORDT) So do you recall -- strike 5 that.</p> <p>6 Your testimony is that you do not recall, 7 during SB14, whether the poverty -- whether the poverty 8 level of minorities in Texas of Texas voters was 9 discussed?</p> <p>10 MR. D'ANDREA: Privileged.</p> <p>11 MR. SCOTT: Objection; asked and answered.</p> <p>12 A. I imagine it has -- it was.</p> <p>13 Q. (BY MR. SHORDT) As -- at the time SB14 was 14 debated in 2011, were you aware of any specific 15 incidents of in-person voter fraud?</p> <p>16 A. No.</p> <p>17 Q. In Texas?</p> <p>18 A. No.</p> <p>19 Q. Anywhere in the United States?</p> <p>20 A. I'm not aware.</p> <p>21 Q. And so I understand your testimony, you are not 22 aware of a single instance of voter fraud that's ever 23 occurred in Texas involving the use of a student 24 identification card?</p> <p>25 A. Not aware, no.</p> |

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| <p style="text-align: right;">141</p> <p>1 EXAMINATION</p> <p>2 BY MR. SCOTT:</p> <p>3 Q. Mr. Speaker --</p> <p>4 MR. SCOTT: Are y'all --</p> <p>5 MR. SHORDT: I have no more questions.</p> <p>6 MR. SCOTT: May I clear something up?</p> <p>7 MR. SHORDT: Yeah.</p> <p>8 Q. (BY MR. SCOTT) Let me hand you what's been</p> <p>9 marked as Exhibit 7 to your deposition. What we know</p> <p>10 is, that document didn't come from the 2011 session,</p> <p>11 correct? Make sure.</p> <p>12 A. 2011 instead of 2010.</p> <p>13 Q. So unless somebody had a time machine, this</p> <p>14 wouldn't have been something somebody was able to</p> <p>15 consider during the 2011 consideration of SB14 as far as</p> <p>16 talking points for getting democratic support for the</p> <p>17 bill, correct?</p> <p>18 A. Yeah. It says 2011 instead of 2010, so it</p> <p>19 had -- it had to be later.</p> <p>20 Q. It had to have been before 2011 session, which</p> <p>21 would have been the 82nd session, correct?</p> <p>22 A. I would assume so, yes.</p> <p>23 Q. Okay. With regards to rules, early on in your</p> <p>24 deposition you and Mr. Dunn spoke a little bit about</p> <p>25 legislative rules.</p> | <p style="text-align: right;">143</p> <p>1 A. I don't remember seeing it.</p> <p>2 Q. And you don't know who prepared it?</p> <p>3 A. Don't.</p> <p>4 Q. So you have absolutely no idea what year this</p> <p>5 is from?</p> <p>6 A. I don't know anything about it.</p> <p>7 MR. SHORDT: Thank you. That's all.</p> <p>8 MR. DUNN: Nothing further from me.</p> <p>9 MR. GEAR: Actually I have one follow-up</p> <p>10 question.</p> <p>11 THE WITNESS: Yeah.</p> <p>12 FURTHER EXAMINATION</p> <p>13 BY MR. GEAR:</p> <p>14 Q. Regarding the rules, isn't it true that there</p> <p>15 are some time-honored rules that are revisited every</p> <p>16 session?</p> <p>17 A. Yeah. I mean, the rules -- the rules don't</p> <p>18 drastically change necessarily from session to session.</p> <p>19 Q. And isn't it also true that the two-thirds rule</p> <p>20 was considered a time-honored rule until 2009?</p> <p>21 MR. D'ANDREA: Objection; mischaracterizes</p> <p>22 the record.</p> <p>23 A. That's a Senate rule, and I -- I don't --</p> <p>24 that's their business.</p> <p>25 MR. SCOTT: Nothing further.</p> |
| <p style="text-align: right;">142</p> <p>1 Is it true that each session creates its</p> <p>2 own rules, there are no holdovers?</p> <p>3 A. That's right. We approve -- we approve rules</p> <p>4 each time.</p> <p>5 Q. And so each legislature such as the 82nd was</p> <p>6 not bound by anything done by the 81st?</p> <p>7 A. That's correct.</p> <p>8 Q. And whatever rules are passed there are unique</p> <p>9 to it even if they replicate everything from the 81st?</p> <p>10 A. That's right.</p> <p>11 MR. SCOTT: Okay. Thank you for your time.</p> <p>12 Pass the witness.</p> <p>13 MR. SHORDT: I have one follow-up question,</p> <p>14 Mr. Scott.</p> <p>15 FURTHER EXAMINATION</p> <p>16 BY MR. SHORDT:</p> <p>17 Q. You testified that -- with respect to the</p> <p>18 exhibit that Mr. Scott just showed you that you --</p> <p>19 scratch that.</p> <p>20 With respect to that exhibit -- I'm sorry.</p> <p>21 What is that exhibit?</p> <p>22 MR. D'ANDREA: 7.</p> <p>23 MR. SHORDT: Thank you.</p> <p>24 Q. (BY MR. SHORDT) You testified you've not seen</p> <p>25 Exhibit 7 before. Is that right?</p> | <p style="text-align: right;">144</p> <p>1 (The deposition was concluded at 12:30 p.m.</p> <p>2 (Straus Exhibit Nos. 1 through 9 marked</p> <p>3 during this deposition are attached</p> <p>4 hereto.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |

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| <div style="text-align: right;">145</div> <div style="margin-top: 10px;"> <p>1 JOE STRAUS</p> <p>2 JUNE 23, 2014</p> <p>3 CHANGES AND SIGNATURE</p> <p>4 PAGE/LINE CHANGE REASON</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p> </div> | <div style="text-align: right;">147</div> <div style="margin-top: 10px;"> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF TEXAS</p> <p>3 CORPUS CHRISTI DIVISION</p> <p>4 MARC VEASEY, et al.,)</p> <p>Plaintiffs,)</p> <p>5 v.) Civil Action</p> <p>) No. 2:13-cv-193(NGR)</p> <p>6 RICK PERRY, et al.,)</p> <p>Defendants.)</p> <p>7 _____)</p> <p>8 UNITED STATES OF AMERICA,)</p> <p>Plaintiff,)</p> <p>9)</p> <p>10 TEXAS LEAGUE OF YOUNG)</p> <p>VOTERS EDUCATION FUND,)</p> <p>et al.,)</p> <p>11 Plaintiff-)</p> <p>Intervenors,)</p> <p>12) Civil Action</p> <p>13 TEXAS ASSOCIATION OF) No. 2:13-cv-263(NGR)</p> <p>HISPANIC COUNTY JUDGES)</p> <p>AND COUNTY COMMISSIONERS,)</p> <p>14 et al.,)</p> <p>15 Plaintiff-)</p> <p>Intervenors,)</p> <p>16 v.)</p> <p>17 STATE OF TEXAS, et al.,)</p> <p>Defendants.)</p> <p>18 _____)</p> <p>19</p> <p>20</p> <p>21 REPORTER'S CERTIFICATION</p> <p>DEPOSITION OF JOE STRAUS</p> <p>TAKEN JUNE 23, 2014</p> <p>22</p> <p>23 I, Kelly E. Fisher, a Certified Shorthand Reporter</p> <p>24 in and for the State of Texas, hereby certify to the</p> <p>25 following:</p> </div> |
| <div style="text-align: right;">146</div> <div style="margin-top: 10px;"> <p>1 _____</p> <p>2 _____</p> <p>3 I, JOE STRAUS, have read the foregoing</p> <p>4 deposition and hereby affix my signature that same is</p> <p>5 true and correct, except as noted above.</p> <p>6</p> <p>7 _____</p> <p>8 JOE STRAUS</p> <p>9 THE STATE OF TEXAS)</p> <p>COUNTY OF _____)</p> <p>10</p> <p>11 Before me, _____, on this day</p> <p>12 personally appeared JOE STRAUS, known to me (or proved</p> <p>13 to me on the oath or through _____)</p> <p>14 (description of identity card or other document) to be</p> <p>15 the person whose name is subscribed to the foregoing</p> <p>16 instrument and acknowledged to me that he/she executed</p> <p>17 the same for the purposes and consideration therein</p> <p>18 expressed.</p> <p>19 Given under my hand and seal of office this _____</p> <p>20 day of _____, 2014.</p> <p>21</p> <p>22 _____</p> <p>23 NOTARY PUBLIC IN AND FOR</p> <p>24 THE STATE OF _____</p> <p>25</p> </div> | <div style="text-align: right;">148</div> <div style="margin-top: 10px;"> <p>1 That the witness, JOE STRAUS, was duly sworn by the</p> <p>2 officer and that the transcript of the oral deposition</p> <p>3 is a true record of the testimony given by the witness;</p> <p>4 That the original deposition was delivered to</p> <p>5 Mr. Bruce Gear;</p> <p>6 That a copy of this certificate was served on all</p> <p>7 parties and/or the witness shown herein on</p> <p>8 _____.</p> <p>9 I further certify that pursuant to FRCP Rule</p> <p>10 30(f)(1) that the signature of the deponent was</p> <p>11 requested by the deponent or a party before the</p> <p>12 completion of the deposition and that the signature is</p> <p>13 to be before any notary public and returned within 30</p> <p>14 days from date of receipt of the transcript. If</p> <p>15 returned, the attached Changes and Signature Page</p> <p>16 contains any changes and the reasons therefore.</p> <p>17 I further certify that I am neither counsel for,</p> <p>18 related to, nor employed by any of the parties or</p> <p>19 attorneys in the action in which this proceeding was</p> <p>20 taken, and further that I am not financially or</p> <p>21 otherwise interested in the outcome of the action.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> </div> |

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| <p>149</p> <p>1 Certified to by me this 2nd day of July, 2014</p> <p>2</p> <p>3 <i>Kelly E. Fisher</i></p> <p>4</p> <p>5 <u>KELLY E. FISHER, CSR No. 2834</u></p> <p>6 Expiration Date: 12-31-15</p> <p>7 U.S. LEGAL SUPPORT, INC.</p> <p>8 Firm Registration No. 344</p> <p>9 701 Brazos, Suite 380</p> <p>10 Austin, Texas 78701</p> <p>11 (512) 292-4249</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>150</p> <p>1 COUNTY OF TRAVIS)</p> <p>2 STATE OF TEXAS)</p> <p>3 I hereby certify that the witness was notified on</p> <p>4 _____ that the witness has 30 days or</p> <p>5 (____) days per agreement of counsel) after being</p> <p>6 notified by the officer that the transcript is available</p> <p>7 for review by the witness and if there are changes in</p> <p>8 the form or substance to be made, then the witness shall</p> <p>9 sign a statement reciting such changes and the reasons</p> <p>10 given by the witness for making them;</p> <p>11 That the witness' signature was/was not returned as</p> <p>12 of _____.</p> <p>13 Subscribed and sworn to on this, the ____ day of</p> <p>14 _____, 2014.</p> <p>15</p> <p>16</p> <p>17</p> <p>18 <u>KELLY E. FISHER, CSR No. 2834</u></p> <p>19 Expiration Date: 12-31-15</p> <p>20 U.S. LEGAL SUPPORT, INC.</p> <p>21 Firm Registration No. 344</p> <p>22 701 Brazos, Suite 380</p> <p>23 Austin, Texas 78701</p> <p>24 (512) 292-4249</p> <p>25</p> |
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